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IN NINETEEN VOLUMES.

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ESTIMATES—INDIAN TREATIES.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING

Estimates of appropriations for carrying into effect certain Indian treaties.

July 15, 1854.—Referred to the Committee of Ways and Means, and ordered to be printed.

Department of the Interior,
Washington, July 14, 1854.

Sir: I have the honor to transmit to you herewith a copy of a letter, dated the 13th instant, from the Commissioner of Indian Affairs, submitting estimates of the amount which will be required to carry into effect treaties recently negotiated in this city with the Sacs and Foxes of Missouri, Delawares, Ioways, and Kickapoos, and request that the appropriations asked for may be made.

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND, *Secretary.*

Hon. Linn Boyd,
Speaker of the House of Representatives.

Department of the Interior,
Office of Indian Affairs, July 13, 1854.

Sir: Having received information that the President of the United States has approved, and the Senate confirmed, the "articles of agreement and convention" entered into at Washington with the following-named tribes, of the respective dates, as follows, viz:

With the Delaware tribe, on the 6th day of May, 1854;
Ioway tribe, on the 17th day of May, 1854;
Kickapoo tribe, on the 18th day of May, 1854;
Sacs and Foxes of Missouri, on the 18th day of May, 1854;

I deem it my duty to lose no time in submitting, for approval and transmission to Congress by you, estimates of appropriations required to be

made at the present session, in order to carry these several instruments into effect, to wit:

For fulfilling treaties with the following-named tribes of Indians:

Delawares.

For the expenses of surveying the lands, as provided in the second article of the treaty of May 6, 1854.....	$11,146 95
For the first of eight equal annual instalments for payment to five chiefs, per third and sixth articles of the treaty of May 6, 1854.....	1,250 00
For the first of two instalments, per fourth article of the treaty of May 6, 1854.....	74,000 00
For the purchase of four sections of land for the Christian Indians, per 13th article of the treaty of May 6, 1854.....	6,400 00

Ioways.

For the expenses of surveying, as provided in the third article of the treaty of May 17, 1854.....	1,987 20
For the payment of a portion of the $157,500 due the Ioways, under the second clause of the second article of the treaty of October 29, 1838, to be applied as an agricultural fund, per ninth article of the treaty of May 17, 1854.....	50,000 00
For the payment in consideration of removal to their reservation, and of a release of all claims, &c., per twelfth article of the treaty of May 17, 1854.....	5,000 00

Kickapoos.

For the expenses of selecting the reservation provided in article 1, and for surveying and marking the exterior lines of the same.....	1,000 00
For the first instalment of interest at five per centum on $100,000, for education, per second article of the treaty of May 18, 1854.....	5,000 00
For the payment of this sum, as the first instalment in money, per second article of the treaty of May 18, 1854.....	25,000 00
For the payment for improvements, and the expenses of appraising the same, on the land ceded, per fourth article of the treaty of May 18, 1854.....	15,000 00
For removal and subsistence, and in consideration of a release of all claims, per eighth article of the treaty of May 18, 1854.....	20,000 00

Sacs and Foxes of Missouri.

For expenses of selecting the reservation provided for in article 1, and for surveying and marking the exterior lines of the same.....	500 00

For the first of four instalments, per second article of the treaty of May 18, 1854	$15,000 00
For removal and subsistence, and in satisfaction of all claims and demands, per sixth article of the treaty of May 18, 1854	5,000 00

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Commissioner.

Hon. R. McCLELLAND,
Secretary of the Interior.

CHINA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Copies of correspondence between the State Department and the late Commissioner to China.

July 19, 1854.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

To the House of Representatives:

I transmit a report from the Secretary of State, with accompanying papers, in answer to the resolution of the House of Representatives of the 6th of February last.

FRANKLIN PIERCE.

Washington, *July* 19, 1854.

Department of State,
Washington, July 19, 1854.

To the President of the United States:

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 6th of February last, requesting the President to communicate to that "house (if he deems it not incompatible with the public interest) all the official correspondence of Hon. Humphrey Marshall, late Commissioner to China, with the State Department," has the honor to lay before the President the accompanying copy of papers embracing the correspondence called for by the resolution.

All which is respectfully submitted.

W. L. MARCY.

[Official—No. 3.] Cairo, Egypt, *December* 4, 1852.

Sir: I have the honor to report my arrival at this city on the 2d instant. I shall leave to-morrow morning, at 6 a. m., for Suez, on the Red sea, there to embark for the island of Ceylon, en route for China.

Having reference to the general instructions of the department, and to the correspondence of some of my predecessors, I have had some difficulty in determining the character to be given to the communications I shall make. It has seemed to me useless to encumber the records of your department with *essays*—geographical, statistical, or commercial—and certainly not with mere impressions, derived from cursory observation in hurried travel through different countries. Through England, France, and Italy, there is nothing occurring which escapes your political agents I presume, and their correspondence precludes the idea of observations on my part touching the social and political condition of those realms.

The government of the United States has no consul at present in Egypt. Their commerce with Egypt is now, and will probably continue to be, very small. Countries producing the same staples must find difficulty in arranging a basis for profitable interchange of commodities. Egypt produces sugar, cotton, rice, tobacco, and the cereals. So do the United States. Egypt cannot send any of the above-named articles to the markets of the United States, and she will trade therefore with some country with which she can *barter* her own productions for those demanded for her use, and which she does not produce. So long as the connexion between England and the British India possessions shall be maintained by steam and rail overland from Alexandria to Suez, England will possess a convenient medium for the conveyance of merchandise to Egypt; and inasmuch as her own wants suggest the barter I have above noted, England may continue to hold the trade of Egypt. The government of Egypt is in weaker hands than those of Mohammed Ali. The mysteries of diplomacy are now substituted for the great designs of that most daring and intelligent Pacha. The army of Egpyt consists now of some sixty thousand badly-drilled soldiers. The navy of Mohammed Ali is dismantled at Alexandria. Great Britain commands the commerce of the country; and her intelligent public agents, as well as her private citizens, will use every exertion to increase her influence in this pachalate. So the British merchant prefers to supply the limited demand for American domestic goods which exists here with the genuine American article, rather than to permit the introduction of it through American instrumentalities. In his *necessity* to submit to interested opinion favorable to a superior fabric, he prefers to become the factor for that fabric in this market, rather than to submit to the risks to be incurred by offering a more enlarged circle for competition in general trade. I have already stated the conditions which must keep the general result in favor of Great Britain; and I refer to the facts last stated merely to mark the vigilance of that country in holding to all it has acquired, and the partial, but agreeable, vista opening for an Egyptian trade with the United States.

I am informed that cargoes of American ice, hams, cheese, and chairs, have been profitably disposed of here, and that a constant supply from America might meet a fair demand. I suggest thus formally these facts, to the end that the department may consider the expediency of communicating in its own way and time, to the producing classes of the United States, the character which their commerce with *Egypt* must assume in the commencement. I venture also to remark,

that articles of prime necessity in agriculture, and not occupying too much bulk, may be added to my calculation. It would be well that the admitted demand for cotton manufactures should be known to our manufacturers, to the end that they may avail themselves of the profits to spring from a direct sale through their own agents, instead of yielding these to British factors.

The office of consul-general of the United States in Egypt is vacated by the death of Mr. Macauley. There was appointed a Mr. Gliddon to act as consul here; and after Mr. Gliddon's death, the appointment was made of Mr. Constantin Kahill as "vice-consul with the powers of consul." I have found that gentleman in the discharge of the consular duties here, while the office of the consul-general is kept open for business by an Irishman named Moore, the son-in-law of Mr. Macauley, deceased. The necessity for a *consulate at Cairo* is, to my mind, "a fixed fact." It does not spring from the commerce of the United States—for the operations of commerce will always be performed at Alexandria—but it springs from the habits of the American people. Already it is estimated that three hundred Americans from the United States annually visit the upper Nile. The increasing facilities for travel, and the increasing affluence of the people of the United States, will swell the aggregate of travellers to a much larger number.

Ignorant of the language and laws of this country, these persons are thrown directly upon the hands of the public functionary here. They require boats, crews, rais, dragomen, &c., &c., with whom contracts are to be drawn, and legal guaranties are to be given and secured by the observance of due forms. The discharge of these functions falls upon the consul, as well because of his proper care of his fellow-citizens, as of the fact that the claimants do not understand, very frequently, the language or the laws of this country; and unless he does discharge this duty the voyage must be abandoned. During the fall and winter months these calls consume a very large portion of his time, yet he has no emoluments legally attached to his office for such duties, and is therefore compelled to rely upon the benefactions of those who employ his services, or to subject himself to criticism, and the suspicion of extortion, by charging or making a demand for a fee. European nations have their consuls at Cairo, and I believe receive a salary; but the duties of the American consulate are vested in an appointee of the consul-general at Alexandria, whose rank, therefore, postpones him to others in all cases of etiquette or precedence, and proportionably operates upon his countrymen in the estimation of this population. Occasionally, as in the affair of Messrs. Ewing and McGavock, of Tennessee, of which I presume you have had a report from the resident minister at Constantinople, there occur serious disturbances between the Arabs of the Nile and American voyagers, requiring prompt and positive action on the part of a consul resident at Cairo. I am happy to say that these duties have been discharged by Mr. Kahill with such firmness and fidelity, heretofore, as to have awakened in the bosoms of Americans, not merely a sense of approbation, but emotions of positive gratitude. I have found him prompt, courteous, and attentive, and possessed entirely of the capacity to discharge creditably the functions of his office.

Now, the consul-general of Egypt receives a salary by no means large; while here the person on whom devolves, certainly the duties of the office, so far as direct action with American travellers in Egypt is involved, receives nothing.

I submit, for the consideration of government, whether the public interest will not be promoted in this quarter by conferring, as in China, a stated salary of $1,000 upon the consul at Cairo, even if at the expense of the consul-general at Alexandria.

I should not, of course, have ventured to make this suggestion to the government, had not my judgment entirely embraced the case, and concluded on its policy. I have been, during my journey, painfully impressed with the wretched condition of our foreign agents, and have witnessed the resorts which, I presume from necessity, they constantly make, to fees extracted from travellers from their own country, often required where the service is of no utility except to expose their own sinister connexion with the police departments of foreign governments, to the extreme annoyance of citizens of their own government.

I shall avail myself of opportunities, after passing the Red sea, to write more at large of the countries in the other hemisphere, and hope to be the medium of benefits to the Union in the discharge of the important functions with which I am charged, in China especially.

I am, sir, with great repect, your obedient servant,

HUMPHREY MARSHALL,
Commissioner to China.

The SECRETARY OF STATE *of the United States,*
Washington City.

BRITISH STEAMER MALTA,
Port Penang, January 4, 1853.

SIR: I have the honor to report my progress thus far on the way to Canton, in China; and I avail myself of the opportunity to transmit, per the overland mail, such information as I have been enabled to acquire touching the subject embraced by your official despatch No. 3, dated September 25, 1852, and directed to me at New York.

On the arrival of the steamer Hindostan at Aden, on the 17th ultimo, I sent a letter ashore to be mailed for the United States. It was directed to the Hon. M. P. Gentry, at Washington city. It was returned to me, with a verbal message that "it would not be mailed unless it were directed to the care of some agent in London." I was aware that the postmaster of Aden was at a cantonment of troops, some four miles from the public landing, and I judged, correctly, that the message came from the agent of the Peninsular and Oriental Company. I saw this person, therefore, the next morning on board the steamer, and personally requested of him that I might be permitted to prepay the postage on my letter, and that he would mail it for the destination indicated by its direction. He replied that *he* was not authorized to collect postages, and to prepay the postage it would be necessary for me to see the postmaster, who was not at the landing, nor did *he* know the sum to be charged in such case. He suggested that, if I would

direct the letter to an agent in London, it could be mailed without any trouble; that such was the custom through the whole colony, and all India, so far as he was advised. He did not assume to know on what law or construction of treaties the custom rested, and merely spoke to the fact. He politely offered to take charge of my letter as it was directed, and to "mail it," should he be permitted to do so; but with a distinct disclaimer of any assurance that it would be posted from Aden, or, even if posted there, that it would be mailed from London. I handed him the letter, and, at the same time, addressed a respectful note to the postmaster at Aden, referring to the custom above alluded to, and requesting him to communicate to me at Canton the authority upon which the requisition was made by his office, that letters to be mailed for the United States at Aden should be directed through an intermediary at London. Should I receive a reply to my note, I will communicate its contents, if deemed essential hereafter, for the consideration of the Postmaster General of the United States. Time was not allowed for me *to see* the postmaster at Aden.

On my arrival at Galle, in the island of Ceylon, I offered a letter at the post office to be mailed, directed to Mrs. Marshall, at "Newcastle, Henry county, Kentucky, United States of America." I requested to know the amount of postage to be paid thereon. I was informed, that if I desired to prepay the entire postage, it would amount to two shillings and eight pence; if I wanted it forwarded *to London* to be postpaid, it would still be necessary to prepay to the office at Galle *one shilling*, which was "the colonial postage."

Desiring to know why the "colonial postage" was charged, I suggested that this regulation might form ground for just complaint upon the part of citizens of the United States who wished to despatch letters *beyond London*, and who could not understand why they should be charged an extra shilling to have a letter mailed at Galle, when it was not to go inland, or to give to the Post Office Department at Ceylon the least trouble or expense; and that it seemed to me to be a virtual violation of the treaty between Great Britain and the United States.

The person with whom I was conversing was the Postmaster General of Ceylon and the packet agent of the Post Office Department at London, Mr. George Lee.

He replied that Commodore Aulick, of the United States navy, had made a formal complaint of the practice of his office, and that this had occasioned a correspondence between himself and the Post Office Department at London, the result of which was a complete justification of his course by the proper authority "at home." He then exhibited to me a letter from Mr. Maberly, of the department at London, which substantially expressed that "nothing in the postal treaty between Great Britain and the United States exempted officers of the United States or others from paying—prepaying on demand—whatever postage might be required by 'local regulations.'" This of course carried an expression of approbation of the decision at Galle, that on a letter addressed to the United States the local authority might demand *colonial* postage to the amount of a shilling or other desirable sum.

But, secondly, Mr. Lee explained to me that he was but the packet agent of the Post Office Department at London, and that his office of

Postmaster General of Ceylon rendered him entirely independent of the British Postmaster General at London. He said that the postal regulations of Ceylon were made by the governor of Ceylon, with the consent of the councils; and that these, when approved by her Majesty the Queen, were as potential for the government of Ceylon as the treaties or the laws passed by Parliament were for the British empire generally. He then exhibited to me a printed document containing "an ordinance enacted by the governor of Ceylon, with the advice and consent of the legislative council thereof," entitled "An ordinance to amend the law relating to the post office, and for revising the rates of postage," and he rested the vindication of his course entirely on the provisions and requisitions of this ordinance, which remains in force.

The twelve first sections of this ordinance relate entirely to the inland administration of the Ceylon Post Office Department. The 13th section is as follows: "All letters received or sent by mail by way of the Red sea, whether the same shall be received or sent by way of Bombay or Point de Galle, or shall be brought to Ceylon by private ships, shall be charged with the postage duty of one shilling each, single rate, at whatever place they may be delivered, or from whatever place they may be sent, within this colony, and that no additional inland postage shall be charged on the same, and no privilege of franking shall extend to letters transmitted or received by way of the Red sea, the public despatches and letters being bona fide on the public service only excepted."

"SEC. 14. And whereas the Postmaster General may already have been, or may hereafter be, directed to levy certain charges on behalf of her Majesty's General Post Office in London, under the denomination of Red sea postage, foreign Europe postage, prepaid British postage, intercolonial postage, or similar charge, it is hereby enacted that, on such directions being published in the government gazette of this colony, it shall be lawful for the Postmaster General to levy such extra charges, in addition to the colonial rates in the foregoing clause laid down."

"SEC. 15. That on every letter which shall be brought to Ceylon by any vessel *not sent by way of the Red sea*, from any port or place beyond sea, there shall be a sea postage of four pence; and on every letter which shall be sent through the post office to any port beyond sea, a sea postage of two pence, besides any postage chargeable thereon for previous or subsequent transmission inland. And for the encouragement of masters and commanders of vessels to deliver to the post office any loose letters or packets brought by any such vessel, it shall be lawful for the Postmaster General to allow to the master or commander of every vessel arriving as aforesaid the sum of two pence for each letter and one penny for each newspaper, not being enclosed in the ship mails of the General Post Office of the United Kingdom, by him delivered or caused to be delivered at the post office of the first port he may arrive in these settlements."

Under the 13th section of this ordinance the extra shilling is imposed, under the title of "colonial postage," by the government of Ceylon, which, as you will observe, makes a local regulation "discriminating *against* letters *mailed by way of the Red sea*." I presume this discrim-

ination relieves sea-going and sea-coming letters *between the British colonies*, as well as commercial letters for *all parts of the east* or on the *Indian seas;* in fact, by every route except *by way of the Red sea;* in other words, by the "overland route." The ordinance, by other clauses, has further exemptions from the operation of section 13; thus: By section 23, "every seaman in her Majesty's navy, or in the employ of the government of these settlements, whilst such seaman shall be actually so employed at any port in this colony; every sergeant, drummer, fifer, corporal, and private soldier in her Majesty's regular forces, artillery or royal marines, whilst actually employed in her Majesty's service in this colony, may both send and receive letters, not exceeding half an ounce in weight, by the post, on their own private concerns, at a postage of one penny.

Section 24 provides that this privilege shall not extend to letters liable *to foreign rates* of postage. I infer that section 24 is intended to secure the governor and council of Ceylon merely from an implied *douceur* to this privileged class of foreign rates, as well as of that excess which is charged above a penny, under the style of "colonial postage." By section 6, the following persons may send and receive letters free of postage, to wit: "Governor-general and governors of the presidencies in India, naval commander-in-chief and commanders-in-chief in India, metropolitan bishop of Calcutta, the secretaries of the supreme government and secretaries to the governments at the several presidencies of British India, and the governors and colonial secretaries of any of her Majesty's colonies within the limits of the charter of the East India Company." This ordinance took effect 1st February, 1846, and remains yet in force. I was furnished at the same time, by Mr. Lee, with a printed advertisement of the following date and tenor, which he yet deems to be in force, and which may afford you the reason *why all letters are required to be sent to an agent at London:*

"*Optional prepayment of the British packet postage on overland letters via Southampton.*

"1. *Instructions having been received from the Postmaster General in London* that the optional prepayment of the British packet postage on letters *betwixt Ceylon and the United Kingdom, via Southampton*, should be forthwith commenced from the 1st December next, the several post offices throughout Ceylon will be prepared to receive, at the option of the sender, the British packet postage *on letters directed to the United Kingdom* via Southampton.

"2. The following are the British rates of packet postage fixed by the Lords of the Treasury, according to which all letters received 'unpaid' from, or despatched 'paid,' *to the United Kingdom, via Southampton*, will be taxed, *in addition to the usual Ceylon postage*, to wit:

Not exceeding half ounce.....	1	shilling.
Above half and not exceeding one ounce....	2	"
One ounce and not exceeding two ounces...	4	"
Two ounces and not exceeding three ounces.	6	" &c., &c.

"3. This optional prepayment of the British rate of postage applies only to letters despatched via *Southampton*, and that letters sent via

Marseilles cannot be prepaid in this island. *It applies also only to letters to be delivered in the United Kingdom.*"

The clause underscored by me is substituted for a former one, which read, "and does not apply to letters posted in or addressed to places *beyond* the United Kingdom; i. e., *all letters for America, unless addressed to agents in the United Kingdom*, as well as those addressed to the continent of Europe, if marked "via Southampton," must go bearing home postage from this island."

The suppression of this clause, in the regulations now published, would seem to convey an acquiescence in a different rule from that which prevails at Aden. Indeed, Mr. Postmaster General Lee, at Ceylon, was ready to mail my letter without prepayment, (except the colonial rate,) but would not answer for its passage *through* London, except on payment there of the British postage.

It was not within the supposed scope of my instructions that I should discuss with any one the propriety of regulations I might ascertain to exist. Therefore, contented to inform the honorable postmaster of the facts as I have thus far found them to be, and designing to extend my inquiries so as to comprehend, at all events, the British views of the practical effect of the treaty of 1848, I shall close this communication by submitting the foregoing observations and narrative, without comment, to the Department of State, for the consideration of the honorable Postmaster General and government of the United States.

I have the honor, sir, to be, very respectfully, your obedient servant,

HUMPHREY MARSHALL,
Commissioner to China.

Hon. EDWARD EVERETT,
Secretary of State, U. S. of America.

P. S. This vessel proceeds through the straits of Molucca to-night for Singapore, and I hope to arrive at Canton by the 18th instant. My health is very good under this exhausting and protracted voyage. I only hope the result may prove the toil I have undergone to be of advantage to the country. Before I finally close this communication, I am induced to ask whether the fact has been communicated to the department that an American citizen, named Gibson, has been in prison in Batavia, in the island of Java, since February last? Of the fact of the imprisonment, I am assured by several merchants from Java on board this vessel at the present moment; and I am also, from their understanding of the case, in possession of the charge against the accused. It seems that this person was traversing this quarter of the globe in a yacht, and that he ascended the Palamling river, in Sumatra, at a time when the Dutch authorities in the colony and the natives were at war. Gibson was arrested on the charge of assisting or giving aid to the insurgents, or rebellious natives, and he and his yacht were taken to Batavia. According to one account, he was discharged upon his examination by one tribunal, but was again arrested under some other jurisdiction, and was imprisoned, and has been detained in custody ever since—his yact lying at anchor in the roads near Batavia meanwhile.

I confess that in this distant quarter of the globe, even without authority, I feel much inclined to depart from my course to look into this

case, and to ascertain the exact facts; but as we may have a *commercial agent* at Java, (I know the government has no consul,) whose duty it has been to put the department in possession of *all* the facts, I remain content to state what has come to my ears, and to signify to the department the alacrity with which I shall ever be ready to enter upon a rectification of any wrongs sustained by my countrymen in this distant land.

Respectfully,

H. MARSHALL, *Commissioner, &c.*

LEGATION OF THE U. S. OF AMERICA, CANTON, CHINA,
February 7, 1853.

SIR: I have the satisfaction to inform you that I arrived at Victoria, colony of Hong Kong, on the 16th ultimo, in the British steamer Malta. Thence I proceeded to Macao, the residence of the former ministers from the United States, from which place I thought proper to come to Canton in an American ship-of-war. Accordingly, I requested such a vessel from the naval commander of the United States squadron on the East India station; and in a few days Commander W. S. Walker reported the corvette Saratoga at my service, to convey me to this city. Dr. Parker, the chargé d'affaires *ad interim*, called upon me at Macao, and received a despatch for translation into the Chinese language. I embarked at once for Canton on the Saratoga, but was detained on the voyage to Whampoa by adverse winds for four days. On my arrival at Canton, I forwarded the communication, No. 1, to his excellency *Pih*, who was understood to remain in charge of the seals of the imperial commission for the transaction of foreign affairs, and I received the reply, No. 2, on the 3d instant, from their excellencies Yéé and Pih; to which, on the same day, I rejoined by No. 3, and sh uld have embarked at once for Nankin, *on the Susquehanna*, but for the circumstances disclosed in my despatch, No. 4, which you will receive by this mail. I enclose, appended hereto, Nos. 1, 2, 3, referred to above.

I addressed a note to Commodore Aulick, on the 4th instant, of which I enclose a copy herewith, No. 4; to which, up to this moment, I have received no reply.

Should I find the steam-frigate Susquehanna ready to convey me to Nankin, it is my intention to sail thither without delay, in order to communicate to his imperial majesty the letter of the President of the United States, accrediting me to his court as commissioner of the United States. My object in this expedition is, to apply to the governor-general of the Siang Kiang, to transmit the communication, as by the 31st article of the treaty of Wang Hia he is bound to do, and thus at once to impress the imperial commissioner at Canton with the fact, that the representative of the United States has various modes of access to the imperial ear, of which he will avail himself whenever he may consider it expedient to do so. Should the governor-general of the Siang Kiang decline to receive the President's communication for transmission to the Emperor, or seek to postpone me on any such frivo-

lous pretence as "want of leisure," I shall proceed to the mouth of the Pei-ho, to communicate thence directly with the court at Pekin.

The indifference, if not contempt, with which the Chinese officials treat the functionaries of foreign powers, can scarcely be known to the central authority. If so, the permitted repetition of such bearing must operate to produce a conviction on the Chinese mind that injury and insult may be multiplied with impunity.

The effect of violations of the treaty already allowed is too apparent in the violations which are constantly being repeated; in the contempt heaped upon American citizens, and the disregard of their rights (as at Too Chow for instance) in their exclusion from the city of Canton and *city* of Too Chow; the delay of settlement of claims long since acknowledged, and the amounts whereof have been liquidated; the acquittal, before Chinese tribunals, of pirates, upon their own confession or statements, in despite of evidence of their guilt; and in the internal policy of China, adapted as though expressly to defeat the beneficial operations of the terms of the treaty upon trade.

The exclusion of foreigners from the interior of the walls of Canton is made in defiance of express stipulations to open the gates, and despite of an express pledge *repeated* to the British minister in 1848.

The French minister has been awaiting at Macao *for fifteen months* the coming of "a felicitous day," to have a personal interview with the imperial commissioner at Canton.

The English have unsuccessfully (so far) demanded access to the interior of Canton. American citizens have leased ground at Toochoufoo, paying their rent for two years in advance, and have been prevented from erecting tenements thereon by an angry populace, at whose violence the local authorities connive, if indeed they do not direct it. Instances might be multiplied of the want of proper consideration for the obligations of treaty stipulations, and for the rights of foreigners, were they necessary to lead your mind to the conclusion that the propriety of the course I pursue is beyond cavil.

The imperial commissioner, you will observe, speaks of his "return to *his* court," and of appointing a day, after that event, to receive me. Were the assumption tolerated, you would have the mortification to know that the representative of the United States is not merely excluded from the imperial court at Pekin, but practically is excluded also from the court of the Viceroy—since that officer transacts business *within* the walls of Canton and refuses to permit the foreigner to enter, for any purpose, within those walls; indeed, confines him to a small area in front of the business houses of foreign merchants, and to the market streets in their immediate vicinity. Determined to recognise him only as a minister of foreign affairs, and not as the equal of the government I represent, I have not thought proper to discuss any objection to his assumption, or to notice the qualification of my own powers which he makes in the congratulation "that the honorable commissioner has received the superintendency of trade," &c. Regarding him merely as the *conduit* to the Emperor, which had been established by the treaty, I specified the object for which I sought a personal interview; and finding him inclined to postpone me quite as indefinitely as could be expressed by language, I should have lowered my own pride

as an American, and have been false to the duty I owe the government of the United States, had I pursued any other course than to have retired immediately, to seek the imperial presence through some channel not pre-occupied with domestic official cares. The archives of this mission will show that each of my predecessors has met the same kind of difficulty—especially did the Hon. C. Cushing. Indeed, you may rely that the Chinese government *acts upon the principle of assuming so long as assumption will be tolerated, and concedes justice only in the presence of a force able and willing to extort it.*

It is the policy of the class known as Kwán (sometimes called mandarins, but by the Europeans styled officials) to restrict intercourse between China and foreign nations to such forms and regulations as they devise and control; for, obtaining public position by corrupt means, they reimburse their pockets and add to their individual wealth by exacting from the common people, and ultimately the price is charged upon the general commerce conducted under those regulations, and is felt in the value of all the producing and trading classes export from this country.

I shall bear constantly in mind the idea that peace is the policy of the United States, and that the custom of exclusiveness, to which the Chinese have been educated, will not suddenly give way before the light of intercourse with foreign powers. But while I have considered that by peaceful intercourse the resources of China may be opened to western Christian nations with most facility and profit, I am equally impressed by the importance of maintaining, through that intercourse, the dignity of the United States, by requiring respectful attention to their representatives, justice to their citizens, and the substantial performance of treaty obligations entered into with their public authorities.

The course taken by Commodore Aulick towards me has left me in an awkward position, but not under any embarrassment. His withdrawal of the Saratoga, at the very moment her service was required by me to bear me hence, was known of course to the Chinese authorities, who will conceive that my hands are powerless by reason of his refusal to place the national vessel at my command. If he persists, and declines to send the frigate to the north, no alternative will remain but for me to await at Macao the orders of the government to the naval commander on this station, which shall serve as a standing regulation of the respective privileges and rights of those who represent abroad the civil departments of the government, and the naval squadron officers who traverse the seas to protect American commerce, and to bring their forces to aid in promoting the views of your agents before foreign powers.

I learn, from various sources, that the health of Commodore Aulick is very much shattered, and I have the charity to impute to the infirmities of the mind, which constantly accompany the decline of the physical powers, the gross departure from official propriety of which he has been guilty. But notwithstanding this excuse, as his conduct is *official*, I presume it will receive such official and prompt correction as shall make his example to be avoided by his successors here.

When the government of the United States reposes in the hands of a commissioner to China the power of life and death over American

citizens within these dominions; the establishment of a judicial system; the power to hear causes, involving whatever pecuniary amount, and to render decisions without appeal therefrom; and, in addition, confides to his management the diplomatic intercourse of the United States with the chief and authorities of a vast and almost unknown empire, it is anomalous that the naval force of the same government should, with impunity, withdraw all support and protection from him, thus leaving him, as a public officer, exposed to ridicule in the eyes of the very citizens whose actions he is sent here to regulate, and of all foreign powers whose agents may be witnesses of such an extraordinary, and, to all Americans, most mortifying spectacle.

China, as you may be aware, is in a state of civil war. Reports from the chargé des affaires *ad interim* have possessed you of the rumored progress of the revolution. It now is rumored that the insurgents have possession of the approaches to the city of Nankin by land, and that the imperial troops have not been able to check their progress. It is said that the first of the Chinese new year has been selected as the day to proclaim the chief of the rebels *Emperor*, at Nankin.

I give this rumor as it comes from Shanghai through an intelligent American merchant from that city who arrived here to-day. It is certain that the existing dynasty is in danger, and that the country is convulsed by the civil commotion which is agitating the people of China.

The exigencies of the public affairs called the imperial commissioner, *Sen*, from Canton more than a year since. His successor, *Yéé*, remained but a very short time before he repaired to the north of this province, and as the letter written in his name to me (of which you have a copy) on the 3d instant will show, he is occupying the pass at Sanchow, distant hence about 233 miles. When he will return to Canton depends on the condition of the country under the forces of the insurgents. If the reports of the progress of the insurgents are correct, and the power of their chief has attained a solidity which enables him to assume the diadem of the empire, there is no probability that the "felicitous day" will ever arrive which has been suggested by their excellencies for an interview with me. The exclusion of foreigners from the city of Canton leaves all in doubt that may be transpiring even in this vicinity, and I can therefore only give to the department assurance based on rumor.

The large and valuable American interests at Shanghai (in the vice-royalty of which Nankin is the capital) will render the arrival of the Susquehanna very appropriate; and at Shanghai I may be enabled to hear with more distinctness, and to judge with greater accuracy, of the progress of events than one can do at this distance.

It shall be my study to carry forward the dispositions of the administration during my continuance in office, and I request your excellency to impart them to me freely.

I have the honor to be, sir, your very obedient servant,

HUMPHREY MARSHALL.

His Excellency the SECRETARY OF STATE,
United States of America, Washington city.

No. 1.

Mr. Marshall to Pih, Imperial High Commissioner, &c.

LEGATION OF THE UNITED STATES, CANTON,
January 31, 1853.

SIR: The undersigned, commissioner of the United States of America to the Ta Tsing empire, and in that capacity invested by the President of the United States with plenary diplomatic powers, has the honor to address the imperial commissioner charged at Canton with the superintendence of the affairs of China with foreign nations, and to inform him that the undersigned bears a sealed communication from the President of the United States to his Imperial Majesty the Emperor of the Ta Tsing empire, accrediting the undersigned in his official capacity to his Imperial Majesty, which communication the undersigned desires to transmit to the august Emperor through the imperial commissioner; and with this view he requests your excellency, at an early date, to name a suitable time and proper place for a personal interview.

The undersigned has the honor to present herewith to the imperial commissioner the expression of his distinguished consideration.

HUMPHREY MARSHALL,
Commissioner of the United States of America to the Ta Tsing Empire.

To his Excellency PIH,
Imperial High Commissioner, charged with the superintendence of foreign affairs at the five free ports, &c., &c., &c.

[L. S.]

No. 2.

The Chinese Commissioners to Mr. Marshall.

Yéé, hereditary lord of the first grade, governor of Canton, of the rank of governor-general, acting governor-general of the two Kwang provinces, guardian of the heir-apparent, minister and commissioner, and Pih, by imperial appointment governor of Honan, holding the rank of a general officer in the army, acting governor of Canton, and a vice-president of the board of war, both of the Ta Tsing empire, have the honor to acknowledge the receipt on the 1st instant of the honorable commissioner's public despatch of the 31st ultimo, and are delighted fully to understand therefrom that the honorable commissioner has received the superintendence of trade at the five ports, &c. We have heretofore heard that the honorable commissioner is mild and even-tempered, just and upright, and that he will manage everything in strict conformity with the treaty, and all will be in the highest degree proper and harmonious; and we, the minister and governor, are exceedingly gratified at the thought. As to the subject of settling a time for an interview, we, the minister and governor, are also exceedingly desirous of a mutual interview, when face to face we may converse

freely, in order to manifest the good correspondence of our respective countries; but I, the minister, am at present at the Shaou-chow pass, and I, the governor, having superintendency of everything, have not the slightest leisure, and can only wait the return of the minister to his court, after which he will select a felicitous day, and address you and meet you at a pleasant interview.

As requisite, we make this reply, and avail ourselves of the occasion to present the compliments of the season.

The foregoing communication is addressed to his excellency Humphrey Marshall, commissioner and minister plenipotentiary of the United States of America to China.

HEEN FANG, *2d year, 12th month, 26th day.* (*February* 3, 1853.)
[L. S.]

N. B. Blank paper previously prepared for use.

No. 3.

Mr. Marshall to the Imperial Commissioners.

LEGATION OF THE U. S. OF AMERICA, CANTON,
February 3, 1853.

SIRS: The undersigned, commissioner of the United States of America to his Imperial Majesty the Emperor of the Ta Tsing empire, and charged with plenary diplomatic powers, has the honor to acknowledge the receipt of your official despatch of this date, in reply to his communication of the 31st ultimo. From the precedents furnished by the history of the intercourse between the United States of America and the Emperor of the Ta Tsing empire, the undersigned presumed he was consulting a predilection of his Imperial Majesty by attempting to transmit the communication from the President of the United States through the imperial commissioner at Canton, who is charged with the superintendence of the concerns of foreign nations with China.

As it was the purpose of the undersigned to avoid all appearances of seeking to violate the customs of the court of his Imperial Majesty, he was content to pursue exactly the terms of the 31st article of the treaty of Wang Hia; and, for the expressed purpose of delivering the letter of the President for transmission to his Imperial Majesty, the undersigned requested the personal interview suggested in his first communication. The undersigned learns with regret of the absence of the imperial commissioner from Canton, and is unable to conjecture the probable date of his return from the public despatch of your excellencies. He desires, also, to express his surprise that a want of leisure should be assigned as a reason for the indefinite postponement of an opportunity to him to forward the letter of the President to its destination. It would have been most agreeable to the undersigned to have met your excellencies face to face, in order to interchange with you those courtesies which are the accepted indices of the amity of nations; but the absence of the high minister, the preoccupation of his excellency

the governor, and the failure to assign any day for a personal interview with the undersigned, warn him of the grave responsibility he will incur to the government of the United States, should he consent so to defer the proper transmission of the letter which he has the honor to bear from the government of the United States to his Imperial Majesty.

With the intention not to pause until he has exhausted all the other means afforded by the treaty to transmit said communication with proper expedition, the undersigned has the honor to take leave of your excellencies, and to renew the assurances of his distinguished consideration.

[L. S.] HUMPHREY MARSHALL.

To their Excellencies

YEE, *Hereditary Lord of the First Grade, Governor of Canton, of the rank of Governor-General, acting Governor-General of the Two Provinces, Guardian of the heir-apparent, Minister and Commissioner;* and

PIH, *by imperial appointment Governor of Honan, holding the rank of a general officer in the army, acting Governor of Canton, and a Vice-President of the Board of War, both of the Ta Tsing empire.*

No 4.

Mr. Marshall to Commodore Aulick.

LEGATION OF THE U. S. A., CITY OF CANTON,
February 4, 1853.

SIR: I was informed this morning, by Commander Walker, of your peremptory order to him to repair forthwith to Hong Kong with the Saratoga, and I have been exceedingly embarrassed by his obedience to your requisition.

It might have been expected by you that I would not have detained the vessel longer than the public service required; at all events, that I should have been consulted, under the circumstances, prior to the withdrawal of the ship of my country which had borne me to this port. But it is not my purpose to comment upon the proceeding you have thought proper to take in this matter, since our common government can apply such measure of corrective as the chief thereof may deem essential to the protection of his public ministers abroad.

My purpose is to state, succinctly, that the reply of the imperial commissioner to my first despatch requires my immediate withdrawal from Canton, and my departure for the north of China, with the view of delivering at Nankin or Fowchowfoo a communication from the President of the United States to the Emperor of China.

For this service I want a vessel of war of the United States, and I desire that the Susquehanna, if capable of the service, may repair to

Whampoa immediately, that I may embark on her. There my furt movements can be determined, at all events.

I remain, sir, your obedient servant,

HUMPHREY MARSHALL,
Commissioner of United States to China.

Commodore JOHN AULICK,
Commanding U. S. Squadron on East Indies station, Hong Kon

[Official—No. 4.] LEGATION OF THE U. S., CANTON, CHINA, *February* 8, 1853.

SIR: My official communication of the 7th instant referred to cert "circumstances" which prevented my immediate embarkation Nankin. I thought it was most expedient to reserve for a separate d spatch all the correspondence with officers of the navy, that you mig be enabled to submit the same to the consideration of the Secretary the Navy, without placing among the archives of his department m ter relating exclusively to foreign affairs.

Accordingly, I now have the honor to submit to you the followi papers, from Nos. 1 to 5 inclusive, which will explain the reasons w I do not proceed at once to Nankin, and, at the same time, will exhi the ground assumed by the commodore, that his co-operation with t commissioner, by the use of the ships under his command, must depe upon his own judgment as to the necessity, after the commissioner sh have submitted to his inspection his powers and the papers upon whi the necessity is supposed to arise.

I shall not presume to characterize the very gross discourtesy exhi ited to me by Commodore Aulick in withdrawing the Saratoga and r fusing to send a public ship for me; but I hope the Secretary of t Navy, through you, will place me in possession of such a general a standing order as will shield me from the effect of any perverseness naval commanders hereafter.

In this connexion, permit me to urge upon your attention a recon mendation which has been made by each of my predecessors, th must be carried out if you would have efficient service here by sea land. I allude to the recommendation to place small steamers on th station. Two or three vessels of light draught (not to exceed twelve fe would be capable of rendering far greater service than the Susquehann and at much less expense. This results from the nature of this coa and the depth of these waters. There is not a vessel in the East Indi squadron which can approach nearer to Canton than Whampoa, (t miles below,) and the sailing vessels can only float up to that poi during an adverse monsoon. An instance in point occurs in the ca of the Saratoga, when bringing me from Macao last month. The di tance from Macao to Canton is eighty miles by water. A steamer w always travel it in eight hours; but the Saratoga was employed f days and nights in reaching the anchorage (sixty miles) at Whampo though every opportunity was embraced, *day and night*, to proceed up her voyage. Had her services been required in case of a sudden atta by the Chinese on the American factories, a riot, or some like conti

gency, the most awful catastrophe might have happened before she *could* have arrived at Whampoa. She cannot be placed in front of the factories to render them assistance.

The British government employs a war vessel *constantly* in front of this city. This is a naval station whose *guns bear on the British factories in Canton.* Besides, a steamer lies regularly at Hong Kong ready to communicate with any of the five ports when necessary. There is a British steamer at each of the five ports for the protection of British subjects and commerce.

You will see, by the letter of Commodore Aulick, that the Susquehanna is not considered fit for the voyage to Nankin. The monsoon being adverse, the Plymouth or Saratoga could not probably reach there at all.

The British merchant steamers, however, *ply* regularly from Hong Kong to Shanghai, which is about two hundred miles from Nankin. When I do desire to proceed to Shanghai or Amoy on public business, I could not do so except at the pleasure of the commodore, or by availing myself of the merchant vessels of Great Britain, which run monthly to Shanghai from Hong Kong.

The rectification of this is so easy, that for the credit of the republic I hope it will meet instant attention. Such steamers as the Alleghany and the Vixen would exactly be adapted to the service; and if the department of the navy would send such vessels to the East Indies squadron, with orders to the commodore to *detach one* or both to be stationed at Shanghai and Canton, and to interchange stations occasionally, visiting the five ports on each cruise, and with orders to obey the call which might be made on them for service by the Commissioner to China, I think that greater efficiency might be imparted to the service, and that good results would be sure to flow. The river which flows by Canton is more than half a mile wide, generally, from this city to its mouth—a noble stream, but it is infested with pirates. The coast, for sixty miles on either side of its mouth, is studded with islands, affording the pirates shelter from large vessels, which cannot navigate the waters in many places between those islands. A vessel of ten or twelve feet draught could move everywhere and police these seas. Such vessels, as bearers of important despatches, protectors of your factories, an efficient protection to your commerce in China, as means of communication during adverse monsoons between the five open ports, and visiting and relieving American ships in distress upon the coast, *are much wanted;* and I earnestly recommend that they be despatched hither without delay.

It is understood that the government promised to send out such vessels when Hon. Alexander Everett applied for them; but the requisition for the use of all the ships during the Mexican war prevented a compliance with his recommendation. The vast increase of American commerce with China since that time, and the fact which my correspondence with Commodore Aulick now exhibits, of the only steamer

here being unfit for the most ordinary service, will prove the propriety of acting upon my suggestion favorably and immediately.

I have the honor, to be, sir, your most obedient servant,

HUMPHREY MARSHALL.

To the SECRETARY OF STATE,
United States of America, Washington.

No. 1.

VICTORIA, HONG KONG, *January* 17, 1853.

SIR: Having proceeded thus far towards China in a merchant vessel, it is deemed proper that, as Commissioner of the United States accredited to the imperial government of China, I shall present myself to the authority of that empire under the flag of my country, and on the deck of a vessel-of-war.

I go hence this morning to Macao, with the view of arranging such communication as shall notify that government of my readiness to present my credentials at such time and place as may be indicated by his Imperial Majesty for my reception.

I request that you will furnish me, at Macao, immediately, a suitable vessel-of-war from the naval force under your command on this station, to convey me to such point as it may be necessary for me to visit, in order to enter upon my official intercourse with the court of China.

I am, most respectfully, your obedient servant,

HUMPHREY MARSHALL.

To the COMMANDING OFFICER
Of the United States Squadron on the East India station.

No. 2.

UNITED STATES SHIP SARATOGA,
Whampoa, China, February 3, 1852.

DEAR SIR: I regret to inform you that it becomes my duty, under an order from Commodore Aulick—a copy of which is herewith enclosed—to repair to Hong Kong with the Saratoga without delay.

On learning the arrival of the commodore at Hong Kong, I hastened to inform him of the position and service of the ship, of which communication I enclose a copy. These copies (marked A and B) will, I trust, explain my sudden and unexpected departure from the anchorage.

I have the honor to be, sir, your obedient servant,

W. L. WALKER,
Commander.

His Excellency HUMPHREY MARSHALL,
Commissioner, &c., &c., Canton.

(A.)

UNITED STATES CONSULATE,
Canton, China, February 2, 1853.

SIR: It is rumored in Canton this morning that you have arrived in the Susquehanna at Hong Kong; and I hasten to inform you that I sailed with the Saratoga from Macao for Whampoa on the 28th January, with the Hon. Humphrey Marshall, our Commissioner to China. We arrived at Blenheim Reach on the 31st ult., and, at the request of the honorable Commissioner, I accompanied him thence to Canton, where he is daily expecting an interview with the imperial commissioner of China. He is desirous that I should remain here until after that interview shall have taken place, and I had determined to do so if it were not too long delayed, and if I received no orders to the contrary from superior authority.

I have the honor to be, sir, very respectfully, your obedient servant,
W. L. WALKER,
Commander.

Commodore J. H. AULICK,
Commanding U. S. Squadron East India and China seas.

(B.)

UNITED STATES STEAM-FRIGATE SUSQUEHANNA,
Hong Kong, January 31, 1853.

SIR: You will repair forthwith with the Saratoga to this place.

I am, very respectfully, your obedient servant,
J. H. AULICK,
Commanding U. S. naval force East India and China seas.

Commander W. S. WALKER,
Commanding U. S. ship Saratoga, Whampoa.

No. 3.

LEGATION OF THE U. S., CITY OF CANTON,
February 4, 1853.

SIR: I was informed this morning by Commander Walker of your peremptory order to him to repair forthwith to Hong Kong with the Saratoga, and I have been exceedingly embarrassed by his obedience to your requisition. It might have been expected by you that I would not have detained the vessel longer than the public interest required; at all events, that *I* should have been consulted under the circumstances prior to the withdrawal of the ship of my country which had borne me to this port. But it is not my purpose to comment upon the proceeding you have thought proper to take in this matter, since our common government can apply such measure of corrective as the chief thereof may deem essential to the protection of his public ministers abroad.

My purpose is succinctly to state, that the reply of the imperial commissioner to my first despatch requires my immediate withdrawal from Canton, and my departure for the north of China, with the view of delivering at Nankin or Toochowfoo a communication from the President of the United States to the Emperor of China.

For this service I want a vessel-of-war of the United States, and I desire that the Susquehanna, if capable of this service, may repair to Whampoa immediately, that I may embark on her. There my further movements can be determined, at all events.

I am, sir, your obedient servant,

HUMPHREY MARSHALL,
Commissioner U. S. A. to China.

Commodore JOHN AULICK,
Comd'g U. S. Squadron on East India station, Hong Kong.

No. 4.

Commodore Aulick to Mr. Marshall.

U. S. STEAM-FRIGATE SUSQUEHANNA,
Hong Kong, February 5, 1853.

SIR: I have the honor to acknowledge the receipt, this morning, of your letter of the 4th instant, and being still in bed on the flat of my back and very unwell, and where I have been for most of the time for the last six weeks, and am cautioned by my medical officers neither to talk nor to write much at present, I can answer your letter at this moment very briefly, and beg to say, that I shall always most promptly and cheerfully co-operate, in all matters of public interest, with the diplomatic agents of the United States in China, which may be necessary for the public service of our country; but in doing this, it must be under my own judgment as to how far the public interests are concerned in the matter in which we are to co-operate together. The opinion of the Commissioner alone would not be sufficient to relieve me from the responsibility to which our common government would hold me in the event of my employing any portion of the squadron under my command in a manner inconsistent with my instructions from the Navy Department, or the object of which a naval force has been sent to these seas, which object is clearly defined in my instructions. But if the honorable Commissioner has received from the President or the Navy Department powers which, on being shown to me, I shall consider a sufficient justification for acting upon the suggestion or wish alone of the Commissioner, without consulting my own judgment in the matter at all, on seeing such instructions I will most cheerfully comply with them, and do whatever the Commissioner requires without question.

In reference to the order which I sent Commander Walker to repair to this place, I wanted the ship's services, and have wanted them ever since I have been here, to assist in the discharge of a piece of disagreeable naval duty, which could not be well accomplished without her assistance; and a note received from Commander Walker, dated

Canton, the 2d instant, informed me of your arrival there the 31st ultimo, and through the commander informed me that you desired him to accompany you to Canton to be present at your interview with the imperial commissioner there, which he had determined to do; and that the ship was lying at Blenheim Reach, some fifteen or twenty miles from that city. I could not suppose that you should have occasion for the ship's remaining there any longer; and had I supposed it would have embarrassed you at all, I would have been sorry to have done so at all by my act in ordering the ship here, and it was to avoid anything of that kind that I ordered another officer, the commander of the store-ship, to go to Blenheim Reach and bring the ship here; at the same time giving him a letter for Commander Walker, which he was to give him if on board, or to send to him at Canton if not on board, to remain there so long as you and he might deem it necessary or proper, and to return here at his option and convenience.

The Susquehanna is not in a condition to go where you desire, and even if she were, I should not consider myself at liberty to comply with your request, unless your powers from the President or the Secretary of the Navy would justify my departure from my general instructions.

It is no doubt known to you that Commodore Perry has been ordered out here as my successor in command of this squadron, and the Navy Department has given him authority to write to the different commanders of the vessels here, myself excepted, and to instruct them when and where to meet him on the station. Letters have been received by those gentlemen from him, and by Commander Buchanan from the Navy Department, stating that he expected to be here by the first of January, and directing them to meet him at Macao by that time. His arrival may therefore be expected very soon.

I repeat that I am unable to write, and may not make myself so well understood in dictating to my secretary as I could were I in conversation with you; and as you inform me you are about to leave Canton, should you come to this place, and will do me the honor to call on board the Susquehanna, I think we may understand each other much better in a half hour's conversation than we perhaps now do.

I am, sir, your obedient servant,

J. H. AULICK,

Commanding-in-Chief U. S. naval forces in East India and China seas.

Hon. H. MARSHALL,

U. S. Commissioner to China.

No. 5.

Mr. Marshall to Commodore Aulick.

CANTON, *February* 7, 1853.

SIR: Your official communication of the 15th instant was received on yesterday.

My demand for the use of the Susquehanna not only embraced the suggestion of my desire to proceed in her to the north, but equally comprehended a requisition *to be conveyed hence* in her or some other public ship, though after I went abroad I might modify my determination to go north.

The withdrawal of the Saratoga, by the peremptory order you issued for the purpose, was objectionable, is the ground taken in your letter of the 5th instant. *That* amounts to a positive refusal to allow the use of *any* ship of the squadron, either for the purpose of facilitating my progress to my destination, or of relieving me from the embarrassment of my present position.

Certainly it is most disagreeable to be situated as I am, by reason of your refusal to place a ship of our country at my service to convey me to my official post, but not sufficiently so to induce the inadmissible concession to your official prerogative which you claim. But, sir, there was no propriety in your raising any question of relative rank and power between us. You saw that, on my arrival at Hong Kong, during your excursion to Manilla, instead of ordering the Saratoga to convey me to Canton, from a delicate consideration of your position, I preferred to go by private conveyance to Macao, and to leave at Victoria a note addressed to the "officer commanding the squadron," in which I requested him most respectfully to furnish me a suitable ship, leaving to him the privilege of selecting that one which could be spared with the least inconvenience. I declined to use a privilege I possessed, to take away the Saratoga without consulting you, from mere politeness towards you as an officer. I had not designed to refer to the orders which I have in my possession from the Navy Department, but since you constrain me to do so, I will remark that, prior to my departure from the United States, the Secretary of the Naval Department, Hon. J. P. Kennedy, issued his instructions to Commodore Perry, as the officer appointed to command the East Indies squadron, *requiring him to send orders* to the commandants of ships in the East Indies squadron to afford me every facility and accommodation which transportation on their vessels would render in my progress to my official post in China. These instructions were dated on the 22d of September, and, in accordance herewith, Commodore Perry handed me a circular addressed to Captain John Kelly, of the Plymouth, and to all officers commanding ships in the squadron, commanding them to obey the requisition of the Secretary.

This order was handed to me the 29th September, at New York, where the honorable the Secretary of the Navy, Commodore Perry, and I were at the time. The Secretary did not intimate that *you* were in command, and you must perceive that he did not think so when he commanded Commodore Perry to communicate instructions to your juniors in rank on the very station at which you are. Commodore Perry could have had no idea that you remained on the station, when his orders were addressed to Commander Kelly by name, as the senior officer in the squadron. But on my arrival at Hong Kong, learning that you had determined to construe *your* orders as postponing your relief from the command of the squadron, I preferred to address the "officer in command" rather than to increase the embarrassment of

your relations with your brother officers, by delivering the orders from Commodore Perry to your juniors in your very presence, as it were.

Nor shall I resort to those orders, sir, so long as you choose to consider yourself entitled to command the East India squadron, for well I know that obedience to the order of Commodore Perry would amount to a refusal by Captain Kelly to recognise your authority any longer. It is not my wish to inflict any wound upon the proper discipline of the squadron, and neither my proper function nor inclination to add to the troubles which already encompass you, by placing it within the power of others to disregard an authority you claim under your construction of the orders *you* have received from the Navy Department. I think my consideration for you contrasts strongly with the course you pursue towards me.

Not having the honor of your personal acquaintance, never having had any intercourse with you, officially or otherwise, prior to this correspondence, I have not been able to impute your course to any motive connected with me personally. Therefore, I regret it as the consequence of an official construction of your own prerogative, of an official misconstruction of mine.

It should be sufficient that you know my office and my object. You know certainly that I am the Commissioner of the United States to China, and that as such, *by law*, I am the officer to whom the President confides the management of the diplomatic intercourse between the United States and China.

My object in requesting the ship has been already stated to you in plain terms. I wrote to you that I found it necessary to withdraw from Canton, and that I wanted the ship to enable me to do so. I wrote you also that I wished to proceed to Nankin, in order to transmit to the Emperor of China the letter from the President, which I have the honor to bear to his Majesty.

What judgment you can form on the necessity of my movement, or the propriety of meeting my request for the use of a national vessel, must be formed on the foregoing data. There can be no discussion between us as to our relative rank and power; there is no foundation on which to rest such a question, and I am not disposed to allow myself to be entangled in any dispute of the kind. When it shall become my duty as the Commissioner to China to demand the ships-of-war you command for a service whose object is not communicated to you, it will be a proper occasion to question my power, and, if you choose, to refuse obedience on your official responsibility. In this case, your anxiety to preserve your official prerogative from the appearance of submission has led you into the presentation of your topic of discussion prematurely.

I shall not argue with you as to your duty. Your long official experience and exalted position have accustomed you to act in view of your responsibility of public authority at home.

To that I shall leave your case. There remains for me only to yield most reluctantly to the necessity under which your determination places me, and to close the diplomatic intercourse between China and the United States until the means are placed within my control to pro-

ceed to deliver my letter of credence to the Emperor through the channel, exhibited by the treaty.

I shall retire, by the first opportunity I find, to Macao—there await the arrival of your successor, your retirement from command, or the order of the department to which you belong, enabling me to proceed to my post.

My exposure to the discourtesy you have shown, the unfortunate impression which must be left on the minds of the Chinese officials by your withdrawal of the Saratoga, and your refusal to supply her place; the procrastination of impending questions; the loss of important advantages in political arrangements, and whatever of sacrifice of public or private interests may ensue, will belong to the catalogue of errors flowing from your unfortunate estimate of your official obligations and privileges, and from no fault of mine.

I am, sir, your obedient servant,

HUMPHREY MARSHALL.

[Official—No. 5.]

LEGATION OF THE UNITED STATES, CANTON, CHINA,
February 8, 1853.

SIR: You will perceive, from the refusal of Commodore Aulick, of the steamer Susquehanna, to convey me to Nankin, that I have been compelled to return to Macao to await the arrival of his successor, his retirement from command, or the happening of some unforeseen contingency, which may enable me to present my letter of credence to his Imperial Majesty the Emperor of China. It is proper to observe, (in order that you shall understand exactly,) that the acting governor of Canton, Pih, does not consider himself invested with power to receive me as Commissioner from the United States. He is not the imperial commissioner. Yéé holds that office, as also that of *acting* governor general of the Siang Kwang; Pih gives *his* title at length in the official communication which was addressed to me in the joint names of himself and Yéé, from which it appears he is governor of Honan province only, and, like one of the governors of the American States, holds a rank equal to that of a general officer of the army *ex officio*. He is merely *acting* governor of Canton, with the additional title of a vice president of the board of war. These honorary titles do not confer the power of transacting business as imperial commissioner, according to his own construction of them, as I was *unofficially* informed after the receipt of my second communication by Pih, through an eminent Chinese holding some relation to Pih. If Pih has the power, and yet refuses or delays me without reason for the return of Yéé, it makes my course only the more plain. About the same time I learned that Yéé had been ordered to advance from the Pass of Chaouchow into the province of Honan, in order to reinforce the imperial column acting against the rebels; so that *his* return to Canton is really not more probable than that the vicissitudes of war will deprive him of his rank, if not of his *life*. *Consequently*, nothing remained for me but to advance to Fuh-

chow or Nankin, or to go directly to Teen-tzin, to open a correspondence directly with the central powers at Pekin.

Persuaded that the government of the United States would embrace with satisfaction any proper occasion to place its diplomatic representative in becoming relation with the imperial authority of this government, I was rejoiced that circumstances conspired to afford me the opportunity of attaining a result which the Department of State had uniformly held before my predecessors as desirable. But, jealous of the dignity which belongs to the United States, I determined to proceed within the terms of the treaty, and to exhaust them, before I presented myself directly to his Majesty's court. It is my purpose, should I reach Teen-tzin, and thus be enabled to confer directly with the imperial court, to bring into view before his Majesty the other questions between the two governments, and to urge their adjustment immediately, while I am yet in the north.

These questions embrace the claims of several American citizens for indemnity against losses sustained by a mob; for personal injuries inflicted and robberies committed by the Chinese at Canton; relief to the missionaries at Fuhchowfoo, who have been deprived of rights which belong to them under the treaty, and are daily sustaining pecuniary losses by reason thereof; a review of the rules of evidence before the Chinese tribunal at Canton, by which the pirates were acquitted on their own statements in the case of the "Robert Browne," in despite of testimony to their guilt rendered by disinterested witnesses; and the imposition by this government of new transit duties upon articles destined for export, in violation of the provisions of the treaty. The delay which attends all negotiations with the imperial commissioner at Canton, who pretends to refer every subject to the court at Pekin whenever its condition seems to demand payment or action on the part of the Chinese, has led to a general impression that the commissioner and the provincial authorities practise abuses equally on the authority of the court and the rights of foreigners. The opportunity to address the court from Teen-tzin would vindicate the commissioner from these suspicions, or would enable the Emperor to see, at a glance, the multiplication of abuses which will continually spring from the custom of exclusion from intercourse with foreign ministers, to which he has thus far so tenaciously adhered.

If the boards at Pekin are ignorant of the abuses to which American citizens and others have been subjected, it is to be hoped that an opportunity may be afforded to me for a sojourn at Pekin, which circumstances might convert into a permission to reside near that court permanently. In any event, the display of an ability to reach Pekin, or even Teen-tzin, and a determination to do so when the public interests of the United States require, must be important in the intercourse between the two countries. But there is another circumstance which makes a visit to the north important just now. It is the state of the rebellion. The imperial authority of China seems quite unable to check the progress of the rebel chief, Teen Tih, before whose arms have fallen several of the most important cities of the empire. The Emperor, pressed for means to sustain the war, has already resorted to the most extraordinary measures to increase the imperial revenues—

among which may be appropriately mentioned the issue of paper as the representation of money, the imposition of an assessment upon civil magistrates to large amounts, the withholding the pay and sequestration of the prizes of the officers and soldiers, and the restoration of forfeited offices and rank to degraded officials for pecuniary consideration. The imperial generals have been beaten in the field successively, and their punishment for the loss of battles has been decapitation, or degradation and exile. It is now said that *Seu* (who was the imperial commissioner at Canton some time since) has been degraded for his inability to hold Teen Tih in check; and the order for Yéé to advance into the province of Honan seems to indicate for that person the precarious honor of the command of the army operations. Teen Tih has ordered the Chinese to desist from the practice of shaving their heads, which was the mark of subjugation imposed on them originally by the Tartars, and rumor says that the imperial generals execute all who have obeyed this order, and who fall into their power; thus adding fresh causes of irritation to the populace, and hastening another war of races in the bosom of China. Teen Tih operates with the strategic skill of the European tactician; but whether it is his own genius, or foreign military skill taking the field under the concealment of the cowl, appears questionable among those who have studied the origin and progress of the contest. So it is since the siege of Shanghai, which was raised in the fall, Teen Tih has captured the city of Youchow, at the junction of the Yangtze river with the Yanting lake, and deploying his forces to the right and left, has, since the 18th of December, captured the perfect town of King Chaw, on the Yangtze river, above Youchaw, and Haunang below Youchaw on the same stream. The Chinese here say that his army has also occupied Wirchang, which is the chief commercial emporium of the province of Her Pih. The progress of his arms seems to be down to the Yangtze, and there is little doubt he will seize the imperial city of Nankin. The proximity of these military operations to Shanghai, where American trade chiefly has centred, has affected the market of that city powerfully already, and displays at least the propriety of my close attention to the progress of a war which, within a week's time, might roll its wave over the whole country from the Tanting lake to the sea. If the naval force of the United States in these seas is of any use at all, such events as I now narrate should awaken it from the repose it enjoys in the harbor of Victoria, and send its flag, as the emblem of the national power, where American citizens will probably require and need its protection. Shanghai is only distant from Nankin about two hundred miles; and the presence of the Susquehanna at its anchorage, in the performance of an admitted and peaceful duty, might enable me to take advantage of passing events, and at the same time exhibit to all concerned the ability and readiness of the United States to protect the rights of her citizens in China, or to redress their grievances.

It is certainly very mortifying to ascertain that my desire to proceed thither is arrested by the will of Commodore Aulick, and that whatever advantages might be gained from attention to the events which are so rapidly crowding the history of China, may be lost by the declension of the Commodore to consider it his duty to extend accommo-

dation to me in my progress to my post. But I trust the department will consider my great distance from Washington, and my inability to receive a reply to any communication in less than five months from the date of such communication, and will provide me with such powers against the repetition of this failure as will enable me to discharge my duty at least with creditable efficiency, and to merit the confidence which Congress reposed in the Commissioner to China, when it vested in him the extensive powers conferred by the act of 1848.

I have the honor to be, sir, your very obedient servant,

HUMPHREY MARSHALL.

The Hon. SECRETARY OF STATE,
Washington.

P. S. I append hereto a letter just this moment received from the American consul at Shanghai, by which you will see that it is expected that Shanghai will fall into the hands of Teen Tih when he acquires Nankin. H. M.

FEBRUARY 9, 1853.

Mr. Cunningham to Mr. Marshall.

UNITED STATES CONSULATE, SHANGHAI,
January 28, 1853.

SIR: I have the honor to address you with such information as I can obtain regarding the internal troubles of this country, presuming that it is my duty to report upon any matters which may affect the relations existing between it and the United States, or the interests of American citizens.

No intelligence can be obtained from the Chinese officers with whom I come in contact which can be relied upon; and I take my information from private letters received by Chinese merchants from their correspondents in the disturbed provinces.

Letters from Hankhow, a town of great trade on the Yangtze Kiang, about 300 miles to the westward of Nankin, state that the rebels have gained much ground, and that their chance is good for ultimately obtaining Nankin, where they would crown an Emperor of Chinese race.

The government troops are few and badly commanded, and only succeed in making a stand in the strongest of the walled towns. The treasuries of the various provinces are said to be completely bankrupt, and the government in straits for money for the ordinary purposes of State. *This* perhaps has given rise to rumors, at present prevailing, that some of the highest officers of the Emperor have memorialized him on the expediency of legalizing *the opium trade.*

On the other hand, the rebels, though in moderate force, are sufficiently well organized to march from one important place to another, capturing them when not strongly garrisoned, and everywhere moving with impunity through the open country. The presence of men of capacity and education among them is attested by the order maintained,

and by well-written and politic proclamations disseminated throug
country. Their soldiers observe the rights of others, and pillage
rapine of all kinds are so effectually restrained, that the peasantry
sides with them, and the country through which they move is not
turbed.

It is supposed that, if they capture Nankin, they will take posses
of the cities to the eastward, *including Shanghai*, all places of l
trade, and which would afford much revenue, and that they would
interfere with trade, either foreign or native.

I have stated the course of things in general terms, without spe
ing cities taken, or strength of forces, &c., &c., as the accounts ar
contradictory to be quoted, only agreeing in one report *that they prog*
and that their object is Nankin.

Allow me to present my congratulations upon your safe arriv
China; and I have the honor to be, sir, your most obedient hu
servant,

GEO. CUNNINGHAM,
Vice-consul of U. S. Americ

Hon. H. MARSHALL,
Commissioner of the United States of America to China, &c., &c.

[Official No. 6.] MACAO, *February* 22, 185

SIR: I avail myself of the return of A. R. B. Moses, esq., to
United States, to transmit duplicates of my despatches 3, 4, 5 to
department, with their enclosures.

Commodore Aulick reprimanded Commander Walker so seve
for carrying me to Whampoa in the Saratoga, that the latter dema
a court-martial to try him on the charge, with specifications.
court was called accordingly; the result of which was, of course
honorable acquittal of Commander Walker by the unanimous opi
of the court. However mortifying it has been to see a naval office
tually subjected to arrest and trial for no other alleged offence than
ing afforded facilities to convey a public officer of my grade to his
in a public ship otherwise unemployed, the spectacle will not be
out profit, if it shall induce the departments of the State and the N
by the establishment of some fixed rule, to prevent the recurren
such scenes hereafter on our foreign stations. How far the Sara
was wanted at Hong Kong may be judged from the fact, that Con
dore Aulick has found it compatible with the public interest, i
estimation, to leave that ship and the Susquehanna in the harb
Hong Kong, while *he* visits Canton in the Plymouth, which now a
his pleasure at Whampoa, leaving me meanwhile awaiting here a p
vessel to convey me to a point whence I may deliver my letter of
dence to the Emperor of China.

It affords some satisfaction to announce that Commodore Aulic
applied for a passport for the United States, having engaged his pa
home on the steamer which is to leave Hong Kong the 11th pro
fear my wish to proceed to Nankin will now be thwarted; for app

tion was made *by the linguist* to-day, apparently of his own accord, "to know if his Excellency had yet received a reply to his last note to the governor Pih," stating that, as he "understood, it had been referred to the imperial commissioner, and hence the delay," &c.

This, I presume, is the *avant courier* of a diplomatic note which will fix upon a day for my reception at Canton, and cut off the propriety of my proceeding up the Yang-tze Kiang, a voyage which would have afforded me the fairest opportunity to visit a portion of the interior of this curious and interesting country.

I beg to repeat, that every day's experience multiplies evidence of the necessity of having a small armed steamer, of light draught, in the public service, whose cruising ground shall be between the free ports of China.

I am, sir, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

The Hon. SECRETARY OF STATE.

[Official—No. 7.] MACAO, *March* 3, 1853.

SIR: I have the honor to enclose herewith a letter, with the documents accompanying it, which I received lately from Walter M. Gibson, an American citizen, who has been imprisoned at Batavia more than a year, under a charge of high treason to the King of Holland in his Netherlands India possessions.

I heard of this case on my arrival at Penang in January last, and mentioned it in my despatch from that place. On my arrival at Singapore, Mr. Shaw, acting commercial agent for the United States, submitted to my inspection a parcel of letters from Mr. Gibson, the general tenor of which induced me to write to the latter, proffering my aid to place the government of the United States in possession of such papers connected with his case as he might desire to transmit. The volume I now enclose is the result.

As the letters alluded to by Commodore Aulick are either on file in the Navy Department, or substantially given in Mr. Gibson's letter to me, I have thought it would be useless to copy them for your inspection.

You will see, by my correspondence with Commodore Aulick, that I have attempted to render to Mr. Gibson all the assistance he required, but unfortunately without effect. Some cause, unknown to me, continues our naval force unemployed in the port of Hong Kong, where it is not of more use practically to the country it serves than it would be lying dismantled in the navy-yard at Washington.

The papers and correspondence touching the case of Mr. Gibson are marked from No. 1 to No. 4 inclusive, the documents accompanying his letter being marked by him.

I am, sir, your obedient servant,

HUMPHREY MARSHALL.

The Hon. SECRETARY OF STATE,
Washington city, D. C.

No. 1.

PRISON OF WELTEVREDEN BATAVIA,
January 22, 1853.

SIR: Your highly esteemed favor of the 7th instant has been duly received, and has afforded me very especial solace and satisfaction.

In compliance with your intimation, I have hastened to obtain copies of the papers you mentioned, and of all available documentary evidence relative to my case, and am now enabled to forward you, accompanying this, certified copies of my vessel's papers, and of the sentences, decrees, and other legal papers issuing from the courts of Batavia, of which you will find an especial enumeration affixed.

My anticipations of liberation, mentioned in my letter of the 28th ultimo to the United States consul at Singapore, have not been realized; the supreme court of Netherlands India has, for the third time, sustained the protest of the Attorney General against the sentence of acquittal, or rather of "no bill," pronounced by the court of justice of Batavia, on the 22d of December last, and has ordered my arraignment for public trial on the 14th of February next.

By the "act of accusation," you will perceive that the charge of "high treason" is unqualifiedly persisted in; and, of course, no modification of the original charge, for which I was arrested and my vessel seized, could be brought forward by the prosecution without destroying the case *for the government.*

I know that I am warranted in saying that government here has interfered, in a very high-handed manner, with justice in my case.

Although I have no doubt that you must have, by this time, a tolerably correct idea of my case, since, I presume, that in addition to the information you obtained at Singapore, you will have obtained a great deal more from the commodore of the United States squadron on the Chinese station; yet still I desire to communicate the following particulars, in order to insure your perfect comprehension of my late voyage and of my present difficulties:

By the vessel's papers, you will perceive that she left the port of New York with a full American crew, which she lost in various ways, partly at the Cape de Verdes, partly on the coast of Brazil, and sailed from the port of Pernambuco with a feeble and mostly foreign crew.

You will learn, also, that she was without any armament whatever; had no cargo, was out of provisions almost on arriving in the Straits of Sunda; and consequently, on her arrival within the waters of Dutch India, was in no condition for mischief or trade, but was simply in the position of a seeker for freight on her way to Singapore, the central point of the Indian Archipelago for business.

By the evidence before the court of justice of Batavia, it has appeared that the Flirt entered, or rather came to anchor in, the roads of Mintok, along with the Dutch war-schooner Niobe, in a very heavy stress of weather. It has appeared that she had not full allowance of wood and water on board for one day more; that her crew were immediately set to work to obtain a supply; and that she would have left the place within forty-eight hours after her arrival, if I (her commander) had not been induced by the various heads of the government offices

it the place to prolong my stay several days more, in order to accept of various invitations for amusement. In the mean time, it is declared that I had made the acquaintanceship of several officers accompanying some troops to Palembang, and that these officers had pressed me to accompany them in order to witness a tiger-hunt and other sports.

Thus I went to Palembang *in company* with a number of Dutch officers, and, when at that place, never went abroad on shore, to visit natives or otherwise, without being accompanied by one or more Europeans. I gave no just nor apparent cause for suspecting me of hostile intentions, until the occurrence of the departure of the mate from my vessel.

The piece of writing the mate has with him was written by a late employé of government; and he was accompanied in his adventure by two Malays, both actually employed in the police of Mintok and Palembang, as now appears by evidence. These three men and Captain Valberg, who furnished the mate with the arms necessary for his journey, are *all witnesses.*

I refer you to my "statement of witnesses," &c., which will show to you that some of the principal authorities at Palembang had, or thought they had, cause for a personal animosity against me; and, consequently, my arrest was attended with all the irritating circumstances which spite could suggest. It evidently seemed that the cause of my seizure had either been invented for revenge, or was most eagerly availed of to cause me pain and humiliation where a short time previous I had been figuring with some éclat and much interest to myself. In the letter of Resident de Braun, of Palembang, you will see that he adjudges me worthy of death, and recommends to his excellency the governor to have it executed upon me. He has appeared as *judge* and *prosecutor* against me, and now is the chief *witness* in the case.

But the making of a judge, prosecutor, and personal enemy into a witness, is far from being the only arbitrary influence exercised in the case by the government, through the procureur-general, upon the action of the court of justice of Batavia.

The especial court for this city, and residence of the same name, takes cognizance of all offences committed within such territory of Netherlands India, where as yet no court of justice has been organized. This court, like the other courts of the different residencies, has connected with it an official personage styled the "officer of justice," whose duty it is to prosecute individuals for offences, but at the same time he is sworn to search as much for their innocence as their guilt; and thus, according to the nature of the case, may ask the court for the acquittal or punishment of an arrested individual. He is styled "the general agent of society," and is not called a "prosecutor," nor his functions "prosecution," but the exercise of the public administration (*open baar ministerié*) of justice, (or, rather, administering to, &c.)

Thus, after I had been in prison some time, the "officer of justice" for this court, Mr. de Wal, did, on the 18th of August, 1852, make a presentation to the court that he found no foundation whatever for the crime of "high treason" against me, and therefore demanded my liberation; to which the court assented, by its sentence of the 25th of the same month.

Now, the supreme court of Netherlands India, which takes cognizance of all criminal cases coming before the courts of all the residencies and ratifies or annuls their sentences, came to the conclusion, on the 2d of September, 1852, to acquiesce in the decision of the court of justice; but it is well known that on the same day the "procureur-general" (the agent for the *King and government*, and not for "*society*") did peremptorily demand a revision of the case, which was granted. Shortly after this Mr. de Wal was displaced, and a young ambitious lawyer, Mr. H. R. Nolthenius, the creature of the "procureur-general," was appointed as officer of justice, and who has since conducted the case as a most zealous and unscrupulous prosecutor.

Contrary to all precedent, and to the laws as laid down in the penal code, (*straüfordering*,) the present "officer of justice" has carried on confrontations and separate cross-examinations of witnesses alone, which is always done by a judge-commissary, one of the members of the court of justice. Thus every opportunity has been afforded to prejudice the case—so far, that I consider late proceedings as an insult to justice, and that a trial now would be a perfect mockery. The trial, so called, to take place on the 14th of February next, and *forced* upon a court that has *thrice* decreed my liberation, is simply this: All my statements, translated into Dutch, and all the evidence, collected by the "officer of justice's" interrogations, are read in private sitting before the court, (which in this case have been read and re-read;) and then, on the day appointed, I simply appear to hear the verdict of the court. However, this privilege remains with the accused, that he, or his counsellor, (*raadsman*,) can state that he wishes some additional person examined, and requires the fifteen days more allowed in such cases. There is no examination of witnesses allowed in public court; that is all done privily; and thus, if the three individuals constituting the court and the "officer of justice" should agree in prejudice against an accused, he would stand no more chance to get justice than any victim who ever appeared before an inquisition or a "council of ten."

In my case, the court of justice of Batavia is in my behalf; and I believe that they are so personally as well as judicially. This court, as also the other courts of the residencies, are composed of long-resident or mostly "country-born"* Europeans, and they do naturally sympathize with and partly constitute a creole or liberal party, which exists more or less in Dutch India. On the other hand, the supreme court of Netherlands India, the "procureur-general," the councillors of India, and the "officers of justice," are composed of native Dutchmen, and receive their appointments from home, or from the governor-general; and consequently are sympathetically opposed to the country courts in all cases where the liberal feeling might be called into question.

The composition of the supreme court deserves a notice. It is composed of nine persons, as follows: 1. Mr. Hultman, president; 2. Mr. De Jough, vice president; 3. Mr. Van Hulten; 4. Mr. Van Hemert; 5. Mr. Confiesens; 6. Mr. De Wal; 7. Mr. Kenchenius; 8. Mr. Swart; and 9. Mr. Anthing. Now, of these—2, 4, 5, and 6—four of

* I since learn that some of the supreme court are also "country-born," yet as they are appointed as mentioned, their sympathies *are* as already I have stated. W. M. G.

them are brothers-in-law; and 1 and 7 are uncle and nephew; whilst, at the same time, the "procureur-general," Mr. Wijumaten, is uncle to the "sous-secretaire generale" of the government, the one through whose hands all documents must pass to the governor-general. It will be obvious that if a harmonious *family* feeling should prevail with these persons, that any one of their number could gratify any prejudice he might have in any particular case; *and it is well known that Mr. Hultman, a particular friend of De Braun, has publicly expressed a decided opinion of my guilt in the highest sense;* for here, however strange and inconsistent it may seem, judges do canvass in society the merits of the cases of individuals to be brought before them; and thus, whilst members of the low court are discoursing about my innocence, and the absurdity of the entire charge, there are members of the supreme court expressing their opinion of my most manifest guilt and dangerous character.

I have no hope of justice at the hands of the supreme court of Netherlands India, whilst I am morally certain that I will be fully acquitted by the court of justice on the 14th of February next. *After that I fall into the hands of the supreme court, who, after a caucus with closed doors, may decree the most extreme sentence of punishment without rendering any specific reasons for their great difference of opinion with the low court.*

I doubt not that neither the government nor the supreme court had any particular feeling about my case at the commencement; but that after mismanagement, procrastination, and especially after the visit of the St. Mary's, it assumed quite another importance, which so far has been seriously to my prejudice.

The case is now *magnified into a State affair*, the result of which will most favorably or unfavorably, as I am condemned or acquitted, affect the official position of the resident of Palembang, the "procureur-general," and probably of the governor-general himself, with many others. Already the whole mass of testimony, &c., has been called for by the home government, and upwards of forty quires of copies of proceedings, sentences, &c., have been sent to the Hague. Whilst on the subject of copying documents, I may mention that when I intimated that an official personage of the United States desired to have certain copies, the request was immediately granted by the low court, who ordered the sheriff, or rather clerk of the court, to wait upon me with the whole mass of documentary matter, and permitted me to select what I thought proper, ordering, at the same time, two public translators and a copyist to effect the copying I desired.

In general, there has been no lack of courtesy, or even amiable attention, to many of my wishes on the part of the civil authorities of Batavia, from the resident of this city down to my jailor and turnkey; but, on the other hand, all especial government functionaries and many military officers manifest a most rabid virulence of feeling against me.

The ignorance of Dutch military officers in India is remarkable, and I believe is the cause of much of the aggravation of my situation. I have had copied two extracts from De Braun's and Storms's evidence, which you will find among accompanying papers, wherein one endeavors to establish my dangerous character by some statement that he says I made to him about belonging to a society in America that had *twelve*

armed steam-frigates independent of government, and the other mentions about punishment of prisoners with *irons* in the United States. On the subject of ignorance among official personages, I might continue to an indefinite length. In my cabin a pair of silver bullion epaulets were found with the word "excelsior" on the buttons, and these, with my certificate of odd-fellowship, have given rise to a multitude of dark rumors and suspicions. There was no one here—not one American citizen—who could, as a witness, explain away the perfect harmlessness of these things, and the commonness of them in the United States; that odd-fellowship was a mere benevolent association, and that such epaulets, of a multitude of different patterns and qualities, might be seen almost daily paraded in the streets of New York by harmless mechanics, clerks, &c.

My disposition to study languages of the archipelago, to draw and make maps in prison, and otherwise employ myself in my most congenial way, is the cause of especial suspicion to government, and has led to three "*domiciliary* visits" to search my papers. Ignorance, gross ignorance, has been the entire cause of the aggravated importance of my baseless case.

There is virtually no public press nor public opinion in Java. The small official organ, the "Courant," gives a meagre and garbled report of foreign news, and no local news. It is zealous in giving false views of the United States; as, for instance, the letter of Chevalier Hülsemann to Secretary Webster was inserted with a great deal of complacent remark about its being a masterpiece, without any allusion thereto or mention previous of the great letter of Daniel Webster.

There is now only one American resident in Batavia, an old man, who has been here thirty-three years, and a burgher of the place; another, formerly partner in the only American house here, also a Dutch burgher, lives mostly in the country on his plantation; and a third, Mr. Reed, acting consul when here, is now in the United States. I know of no other American in Java. The American house of Paine, Stricker & Co., is composed entirely of Dutchmen, except Mr. Reed, absent. Now, I have alluded to this in order to explain how my case has materially suffered for the want of a witness who could be competent authority in regard to matters pertaining to the United States.

During the visit of the St. Mary's many dubious points might have been explained away; but it was then supposed the case would be speedily brought to a conclusion; and Captain Magruder mentioned to me that he had every assurance that in two or three weeks the matter would be decided. The "abortive visit" of the St. Mary's, as it is termed, has been made the subject of a great deal of annoying comment; and I am well assured that stories have been assiduously spread among the native population of Batavia and Palembang, how that an American war-ship came to take the American captain out of prison, but had been ordered off by the "tuan-besaar," (governor-general.) This is puerile in one sense, but important in considering the Malay and other population of this archipelago. They have seen an American vessel seized in a peculiarly ignominious manner; they have seen an American ship-of-war come with the apparent object of releasing that vessel; and then they have seen that war-ship sent away without effecting its

purpose, on account of the superior power of the Dutch. I merely give a rough idea of the reasoning of numbers of natives who speak with me. They can see nothing but prominent facts, like children. Now, however trivial all this may seem, it will be well to consider that this archipelago contains about twenty-five millions of inhabitants, of which a little less than half are *fairly* under the dominion of the Dutch; the great resources and wealth of these islands must continue to be increasedly developed, and the people of America will find it to their interest to advance their commerce more and more in these seas, when it will be important that their flag should carry as high a prestige as possible to the native mind; since the navy of the United States is declared in Congress to be too small to follow and protect its flag at all points throughout the world.

I do think that after the lapse of time that has taken place, and the manner of treating my case, that great injustice has been done to me; and I beg to suggest the opinion, that in view of all procedures connected with the seizure of the Flirt, leaving out all considerations with regard to my person, that it behooves the honor of the United States flag in these seas that one of her powerful steamships-of-war should visit Mintok and the river and roads of Palembang.

At present, as regards the immediate action upon my case, it would be of the utmost importance that some United States officer were here, or official personage, who should be nothing more than a mere witness on points previously stated; this might be the excuse for his coming, at the same time that he could collect a thorough report of the case for the government at Washington. I know that no foreign officer would be received in Java, unless he came accompanied with letters from the government of Holland acquiescing in his official communication with the government of Netherlands India.

I pray for the presence of some official person, as above requested, however insignificant may be his station, who may be enabled to assist me as witness and counsel. If there were an American, if there were a *consul* here, I need not ask this; but though nominally so, there is neither the one nor the other here. The American has forgotten his country; and *the consul, or rather the commercial agent who bears that name, is a Dutchman, and though a good enough hearted man, is a thoroughly timid non-committal merchant, who has not and who would not dare to take the slightest prominent part in my behalf.* This absence of recognised consular authority, as in other countries, has been, and is, a great drawback in my case. When I have occasion to make a request for myself, men, or vessel, or have other cause to address myself to the government or to the court of justice, I must do so myself; must have my statement translated into Dutch, and transcribed upon stamped paper, which I must purchase, or no attention is paid to my communication. I have frequently alluded in previous communications (to Commodore Aulick, and lately to the Secretary of State at Washington) to this non-recognition of consular authority in Netherlands India, and I trust that my misfortune may lead to the earnest consideration of this matter by our government. I know that in asking the presence of an officer of the United States, that it is a request which may be beyond your control, so far as to send such a person to Batavia; but I have written, and

again urge the request, in the hope that possibly, you, sir, conjointly with our commodore commanding the East India squadron, may agree to feel yourselves warranted to detach a vessel, or an officer from the squadron, or some gentleman known to the United States government, to be present here before the supreme court takes place. I have no apprehensions about the decision of the court of justice on the 14th February next; yet, as there will be present at the trial four residents and assistant residents, many high military officers, several native chiefs, and a concourse and excitement at the Stad-huis, such as it is said probably was never before seen in Batavia, it may not be too much to say that the occasion will be one which will have a bearing upon the American name in these seas.

If such a person as I request *could* come, I do not expect that he could arrive here in time, unless he came by other conveyance than "land mail" steamer. I know that, if you are in China, I may not even expect the honor of an answer to this by next mail; so that on the occasion of bringing up my case before the supreme court, on about the 20th next month, I shall request, and they cannot refuse me, a delay of a few weeks more, sufficient time to enable me to hear from you, or to see some person by the mail that will arrive about the 5th March. In all cases, I trust that some war-vessel will be enabled to come, and *that* by the 14th February next.

Herewith I have taken the liberty to send a traced outline of the residency of Palembang, and of territory extending to Bencoolen, from one of a series of maps I have in my possession of the island of Sumatra. You will observe that the town of Palembang is not more than about fifty miles from the mouth of its river; and that the territory "Ampat Lawang," the seat of the present petty war among certain independent hostile tribes, is about two hundred and fifty miles distant by the course of the river, requiring, on account of rapids, shoals, &c., a lapse of thirty-odd days before troops can reach the first military station, or bamboo block-house, at Tebing Tinggie. The place is not more than fifty miles distant from Bencoolen, so that when it is merely desired to send information to the seat of war from Batavia, it is always done through Bencoolen. I mention this merely to show that it would have been very absurd in me to have gone to Palembang to communicate with the people in insurrection, when Bencoolen was a much better and infinitely more convenient place for me to have gone to; and as for Jambee, the chief locality in question, it is well known, distinctly stated in evidence, that it was utterly impossible for a small party to have reached the town or residence of the Sultan by the way the mate was going, who was stopped at a point marked with a cross (†) eight miles from Palembang. All the territory marked Kooboos was at that time completely under water, and military officers have stated that it would have required six weeks for a company of five hundred men, with all facilities for rafting, boating, &c., but utterly impossible for a party of five to have reached Jambee that way; the true way to go thither, I well know, was to descend the main branch, Bangooassien, to Salan river, and thus proceed the whole way by canoe to Jambee; this is in case of being at Palembang; but none but a person grossly ignorant of localities, having neither map nor chart with him, would dream of

going up the Palembang river to communicate with the Jambee territory, when its own river is a bold, deep stream, as navigable as the former. The Jambee river is distinctly laid out, with soundings marked on a Dutch chart of Straits of Doerian, which I purchased at Mintok.

It cannot be proved, by a particle of real evidence, that the Sultan of Jambee acknowledges any vassalage to the Netherlands Indian government; but, on the contrary, he is a very determined old Mussulman, who has summarily hung several Dutchmen caught within his limits. However, it is assumed as a principle, that no native power in the Archipelago, not even Achen, nor any other, is wholly independent of European dominion, or rather of Dutch dominion. Surely the Dutch, who claim so much, nay, all of these East India islands, and can control so little beyond Java and the Moluccas, should certainly be more strictly confined to the territory they can *actually take care of* by those nations whose people have a great interest in a free commerce with these islands.

Whatever feeling I may express with regard to the Dutch military rule in India, it is widely different from my sentiments with regard to the Dutch people I have seen in Batavia. From a number of its citizens I have received personal courtesies and favors of a very gratifying nature, and I believe that there are few or none of them, not actually in government employ, who have not denounced the unjust manner of *treating my case;* for, as to that point, the believers in my guilt or my innocence are all agreed; and are so not only with regard to the extraordinary protraction of the case, but from the fact of making prosecutors and active participants, who were paid spies and Mahommetans, all witnesses.

The testimony of a Mussulman is, according to law here, to be received with much precaution, and never as fully competent evidence; yet this is the only evidence as to facts in my case.

The mate, Mr. Graham, has somewhat unfortunately indulged in making many [entries] in a private journal expressive of a very adventurous disposition, and of some decided bad feeling against the Dutch; which journal, along with some exceedingly compromising notes, have fallen into the hands of the authorities. The prosecution makes a great point out of this writing of the mate's, and will not permit my case to be made out separate from his, although it is evident, from circumstances and testimony, that he was discharged from the vessel when he left me, and was accompanied by a sailor who had tried to run away from the vessel at Mintok, and who appealed to the authorities at Palembang to be discharged from my employ and was refused. It is fully established that, according to the state of feeling then on board the Flirt, I selected the two men for this supposed mission to Jambee who harmonized the least with me.

The case is, in fine, overwhelmingly in my favor; it affords no real material for a prosecution; and the charge of "high treason" is, in this instance, an absurdity.

January 28, 1853.—Herewith please to receive list of 22 copies of documents, which have been forwarded to you, care of United States consulate at Singapore; also, traced copies of residency and river Palembang, three sheets of statement with regard to testimony in my case, and copy of a letter of the mate of the Flirt.

On account of its being withheld, or more probably an oversight, I have not, as requested, received a fac-simile of Malay letter* in Arabic character; also, copies in our own character with Malay, and with it the English translation. I hope to be able to send it by the Chusan in a few days. I desire that you may have a thorough analysis of that production. Meanwhile I send you now a copy of the *translation* of that letter, which was given to me by Captain Magruder, and obtained by him from this government. I believe it to be a tolerable fair translation, from all I can learn.

Besides the request to see some United States officer, if possible and compatible, I need hardly say that I beg of you to transmit all your knowledge of my case to the Executive of the United States. I presume, from your kind assurances, that I may hope that this will be done by you as early and as energetically as possible, with such comment as may ensure the speediest possible attention to the unfortunate case of

Yours, very respectfully,

WALTER M. GIBSON,
Late owner and commander of the Flirt.

Hon. HUMPHREY MARSHALL,
United States Commissioner to China, &c., &c.

ANALYSIS OF TESTIMONY OR STATEMENT OF INDIVIDUALS CAPABLE OF GIVING EVIDENCE IN CASE OF THE FLIRT, JANUARY 22, 1853.

(1.) *Lieutenant Colonel C. A. De Braun, Resident and Military Commandant of Residency of Palembang.*

De Braun, as resident of Palembang, had Mr. G. arrested and sent to Batavia, at the same time writing to governor-general that *he judged* his conduct worthy of death; yet this *judge and prosecutor* is the *chief witness* in the case.

About forty years of age; has always been engaged in military profession; now for the first time exercises civil functions combined with military; owes his position to family partly; father was a general, six others of his family occupying high posts in Netherlands India; extremely ignorant for a man of his position with regard to general knowledge; insincere and unscrupulous.

Appears in person 14th February, 1853, before court of justice.

This witness made two visits on board the Flirt, one time to dinner, and Mr. Gibson was invited to dinner at his house; subsequently met twice at "Harmony," and had two interviews together when Mr. Gibson was in prison at Palembang. The most of their conversation was when in company, convivially. De Braun has been within a few years married to a very pretty young lady, of not a peculiarly strong mind. She received the attentions of one Major Blommestein in so marked a manner as to be a cause of much annoyance to her husband, and a good deal of gossip among the garrison of Palembang. This

*This document is most important, and I suspect strongly was not called for.

Major Blommestein had a private interview with Mr. Gibson, in order to solicit the possession of a very curious and valuable Mexican "serape," owned by the latter, to which article Madame De Braun had taken a great fancy; upon which Mr. Gibson made the offer of the article on his own part. This interview, and subsequent offer of the serape, was known to have very much irritated De Braun, and caused him to entertain a manifest bitterness against Mr. Gibson; spoke in French with De Braun.

. F J. P. Storm Van S'Gravesande, Assistant Resident of Palembang.

in person before

About thirty-five years of age; a mulatto, son of General Storm S'Gravesande and an African negress at Suriname; he is about as black as many full-blooded Africans; of no capacity hardly for his office but the influence of his father. The mere tool and toady of the Braun.

On the occasion of a certain dinner at the house of resident, Mr. Gibson made some remark (meant to be private) about the contrast that this Storm exhibited with a young European lady of very fair complexion. Mr. Gibson probably gave utterance to too much of his American prejudice on the occasion, all of which came to the ears of Storm.

Mr. Gibson was warned to beware of the malice of Storm in consequence; always spoke in French with Storm.

Lieutenant L. Nicholson, commanding gun-brig Pylades.

in person, before

Forty-eight years of age; son of Scotchman; been twenty-five years in the Dutch service; has been of very dissipated habits, which has prevented his rising above rank of lieutenant, and has now (1853) received a discharge from the service.

On first arrival of Flirt at Palembang, Nicholson showed a great deal of attention to Mr. Gibson; allowed latter to look over certain private maps and charts of the interior of Sumatra, and of the river Palembang; was reprimanded for this, and it became a source of annoyance to him.

In the course of examinations before judge-

commissary at Batavia, it has been elicited that Nicholson made great exertions to get possession of a certain very pretty Arab and Malay girl, called Tabdelah, a protegé of Karango Mohammed, the chief of police at Palembang, which person had been shown to Mr. Gibson with a view to induce him to purchase her possession; it was known that the boatswain and two of the men of the Pylades were sent by Nicholson to spy around G.'s vessel; hence it was evident that there were causes for exciting Nicholson to the brutality he exhibited on the occurrence of the arrest of Mr. Gibson. Nicholson is a gross, sensual old man.

(4.) *William Valberg, master of Balinese barque Jane.*

Has not been and is not to be called before the court, although known to live at Sourabayah, and could more conveniently come than witnesses from Palembang. He alone assisted the mate to go on the expedition to Jambee.

About thirty years of age, a half-breed, and an ignorant, common man. When Mr. Gibson arrived at Mintok, this Valberg was the only person there with whom he could converse in English. He was transporting some troops and five officers to Palembang. The acquaintanceship with these officers and Valberg were the main cause of the Flirt going to Palembang. Captain Valberg furnished the mate of the Flirt with the firearms and ammunition he took with him on his expedition.

Smith, mate of the Maimonen.

Will not appear before the court; said to be in government service.

An Englishman, 35 years of age. In company with the mate of the Flirt on various occasions.

(5.) *Van Steenderen, under adjutant.*

Will not appear before the court. Written evidence obtained by the prosecution. January 25. Information arrived of the *death of this witness.*

A young man, very dissipated; almost continually intoxicated; the particular friend of Smith. V. S. had been to the Jambee country, and had given to the mate of the Flirt his ideas about that place.

(6.) *Daniel Fisher, harbor-master at Palembang.*

Will not appear before the court on the 14th February. An important witness for the *defence.* Written *evidence obtained by the prosecution.*

About forty years of age, "country" born, but son of an English merchant at Padang. Mr. Gibson was very frequently in his company, and Mr. F. took a lively interest in assisting Mr. G. with information, suggestions, &c. Mr. Fisher solicited some freight for the Flirt at Palembang.

(7.) *Petrus Kamp, harbor-master at Mintok, or Minton.*

Will not appear before the court. Written evidence *obtained by the prosecution.*
January 26.—Have been notified that this witness will be summoned as requested by me.
W. M. G.

About thirty years of age; proved a remote relationship with Mr. Gibson, between their ancestors four or five generations back in Europe. Mr. G. spent some time at the house of Mr. Kamp.

(8.) *Dr. —— de Mooij, at Mintok.*

Left for Europe.

A pensioned surgeon of the army in Netherlands India; manifested a lively interest in Mr. Gibson, and invited him to his house frequently during his stay at Mintok.

Drowned at Palembang, February 20, 1852. These certainly could have been important witnesses in this case.

Major Van Blommestein,
Captain Van Ochseé,
Captain Kress,
Lieutenant Doelman,
Mr. Wm. de Groet, and five other officers.

Of the above individuals, Major Blommestein and Mr. de Groet were very much in the society of Mr. Gibson whilst at Palembang.

Mr. G. had accounts and business with Mr. De Groet. Maj. Van Blommestein was the only officer at Palembang who always spoke with Mr. Gibson in English.

(9.) *Captain of war-schooner Niobe.*

On public service and cannot appear, and yet a government steamer can be sent for a Malay servant witness.

Who witnessed the Flirt putting into Mintok road on account of stress of weather, the Niobe being obliged to do the same.

(10.) *Madame Barthold.*

Defendant as well as prosecution declined calling this witness into court.

A pretty young widow on board of a cutter on a pleasure trip, coming into Mintok roads with the Flirt. Mad. B. was a prominent cause of Mr. Gibson's stay at Mintok.

(11.) *Captain C. A. Nanman, commanding a surveying expedition.*

Will not appear before court; written evidence taken by prosecution.
January 26,—Learn that this witness is to be summoned.
W. M. G.

Showed to Mr. Gibson maps of government surveys of Sumatra, on account of which he was put under arrest for seven days; known to be bitterly hostile to De Braun; spoke much of the Braun's shameful kidnapping and sending to Batavia a certain Malay chief, called the "Ferdano Mantie." This abduction is said to be the immediate cause of the present war

in the "Ampat Lawang," as the F. M. was much beloved by natives, and simply removed on account of being a man of too much influence for a native.

(12.) *Crew of the Flirt.*

All of the crew who were shipped away left a protest with E. W. Crameras, esq., acting U. S. consul at Batavia, setting forth the circumstances which compelled them to go away and not abide the issue of the case of their commander and vessel.

These, eight in number, were at first imprisoned, with commander and mate, until liberated, 30th April, 1851. After liberation from prison, they were obliged to remain on board guard-ship. Every one was more or less times at the hospital; they expressed every willingness to stay at Batavia and assist Mr. G. with their testimony, but after months of waiting, and being worn out with sickness, they felt compelled to go to save their lives, excepting Henry Jones and Antoine Pirch.

(13.) *Henry Jones.*

Now at Singapore.

A young man from Sag Harbor, L. I., acting as second mate on board the Flirt.

(14.) *Antoine Pirch.*

A prisoner at Batavia at one of the police stations; will appear before court.

A Brazilian lad, acting as cabin-boy; had better opportunity than any one else to observe movements of commander on board; has been, and now is, (January 25, 1853,) in confinement with an allowance of twenty doits (6 cents United States,) for his living.

(15.) *Bahdoo Ruchman.*

At large in Batavia; known to receive pay from government, of course appears before court. "*State's evidence.*"

A Malay, about thirty-five years of age, given to Mr. Gibson as servant by secretary of resident at Palembang; said to have been a private servant picked up, but proved to be one of the police of government; had been eight years an "opaz" private police of De Braun.

Bahdoo dictated the Malay letter written by Kiagous Lanang, and accompanied the mate on the supposed journey to Jambee, but previously, *nine hours in advance*, giving notice to the authorities of their intended departure.

(16.) *Moonchwa, or "Montjoe."*

At large in Batavia; receives pay from government; will appear before court; "*State's evidence.*"

A Malay, about thirty-eight years of age, the comrade of Bahdoo. The latter brought him forward as an old friend, met with by accident at Palembang, whilst he was actually one of the private police of De Braun; Bahdoo recommended M. to the mate of the Flirt to assist in going to Jambee.

(17.) *Kiagous Lanang.*

At large in Batavia; receives pay from government; will appear before court. "*State's evidence.*"

A Malay of high race, about twenty-five years of age, well versed in Malay literature, and recommended to Mr. Gibson by Major Van Blommestein and Mr. De Groet as an excellent instructor in the Malay language. His brother, Teenodeen Kiagous, is in the employ of government at Sahat. Kiagous Lanang wanted to leave Palembang in the Flirt, but having a debt of about one hundred and fifty florins due to the Toomonggoong, or chief of police, he was forced to abandon his idea of going away, since Mr. Gibson did not want to advance the amount of debt.

(18.) *Kiang Kerta Negara, or Toomonggoong.*

Will not appear before court. This officer's unseemly trafficing in slave women might render him an unseemly witness in the eyes of the public.

Had, during Mr. Gibson's stay at Palembang, frequent intercourse with him, till after his proposition to sell a certain pretty slave of his, (the Toomonggoong's,) called Sahdear, to Mr. Gibson, when the latter expressed himself indignantly, that so old a man as the Toomonggoong, and one in his position, should engage in such traffic. As Mr. Gibson spoke frequently about the tyranny and sordid brutality of the Toomonggoong to several natives of distinction at Palembang, it is very reasonable to suppose that the Toomonggoong might be inspired with a spirit of revenge against Mr. Gibson.

(19.) *Demang Sahpeedin.*

Will appear before court.

Was the patron of Kiagous Lanang; the latter lived at his house, and his occupation was to recite pantons or Malay verses during the repasts of the Demang. This witness is a pensioner of the Netherlands India government.

(20.) *Pangorang Sherieff, Ali Ben Salah.*

Will not appear before court. *It would be highly impolitic for the Dutch government to attempt to bring this man away from Palembang.*

January 27th. The low court has declared that this witness *shall be* summoned.

Chief of the Arabs at Palembang. Mr. Gibson visited his house several times, the former always sending his state prow for him. Scharrieff Ali assisted the English to take Palembang under Colonel Gillespie. The Pangorang is about seventy-five years of age, is highly reverenced by the Arabs, who are about three thousand strong at Palembang.

(21.) *Pangorang Osmin Bin Kassin.*

The Dutch government will not attempt to bring this man away from Palembang no more than the chief Ali.

An Arab chief of considerable wealth; the owner of the "main vourse," of which Smith was mate or chief navigator. Pangorang Osmin is known to be a powerful enemy against the Dutch. Mr. Gibson was invited by him to visit the mosque of Palembang; in being invited to the wedding of a son and daughter—both taking place at the same time. The Pangorang, on this occasion, hoisted the American flag, along with the red Arab flag, above his house; he put aside all the prejudices and formalities of a Mussulman on the occasion of Mr. Gibson's visit.

(22.) *Master of a house where a certain Chinese wedding was held—(cannot give name.)*

Is not to appear before the court; yet would be a very important witness for defendant.

This witness could testify to the peculiar nature of the drugged kind of punch which he furnished to his guests. It is well known that the Chinese use themselves, and offer to their company, various stimulants to excite the sensual emotions.

Soch Tchay.

Is not to appear before the court.

January 27. This witness will be summoned to appear.

A Chinese trader, of whom Mr. Gibson purchased many things for his vessel. Soch Tchay was at the wedding on the evening of the 4th February, 1852.

(23.) *Mr. de Vries.*

Will appear before the court.

About thirty years of age; a half-breed; the private secretary, or rather clerk, of Mr. Storm, the assistant resident of Palembang.

(24.) *Mr. H. F. Barrell.*

Is not to be called before the court.

An American resident in Batavia, sixty-seven years of age. He had an opportunity of seeing the witness Bahdoo Rachman frequently, as the latter was employed in a house immediately opposite Mr. Barrell.

(25.) *Mr. D. F. Schnaap, resident of Banca.*

Will appear before the court.

This person is known to have strong prejudices against Americans. When Mr. Gibson was at his house in Mintok, he, Schnaap, took particular pleasure in dwelling upon the fact of the hanging of Colonel Crittenden and other Americans at Havana. Mr. G. had not more than a couple of hours' conversation on two occasions with this witness.

(26,) *Johannes H. Mentz;* (27,) *Sien Booseng;* (28,) *Bois;* (29,) *Orison Chuffe;* (30,) *James Long;* (31,) *Kaivoen;* (32,) *Jane Valberg.*

These seven will not appear.

These last seven witnesses are unimportant, having little or nothing to say in the case.

(33 and 34.) *Bastean Andeweg and H. R. Van Keechkeva.*

The two last not required further; and defendant cannot call in other and *privately* employed "experts."

The two *experts*, principal and assistant in a public school, salaried by government.

It will be observed, by corrections of facts, &c., that I have received various additional information, after first writing out this "statement," &c.:

PRISON OF WELTERVREDEN,
Batavia, January 18, 1853.

This note was written shortly after Graham's arrest, as stated, and was delivered unsealed into the hands of assistant-resident Storm, whose prisoner he was, and who was also known as the prosecuting officer of justice of Palembang. This letter of the mate is the one shown to Captain Magruder, of the St. Mary's, *as having been intercepted*, which he at the time, without additional knowledge of facts, considered as the most compromising feature in my case. I have declared to the court of justice of Batavia that Mr. Graham was not warranted by facts so to write to me; and from the

PALEMBANG, *February* 5, 1852.

DEAR SIR: After getting twelve or fourteen miles, I was arrested and brought back. The boats were so close down upon us, that I had only time to conceal the letter in my sock before being brought here; was questioned by resident; captain of gun-brig sent for, and I was searched. They say I shall be kept here close prisoner until the departure of the schooner, and you will probably have to go under surveillance to Batavia. I will be sent in a steamer. They say I can have my things; *some* of them I don't care about; but I wish my private journal, &c., &c., sent or destroyed. As the resident has the letter, I think you had better leave at once. Neither you nor

manner in which it was done, I believe it to have been an attempt to better his own position, by establishing a complicity on my part (which was not the case) with all his intentions in regard to the escapade to Jambee.

WALTER M. GIBSON.

I knew that the Prince of Jambee and others were dependent on the Dutch; of course, it alters the state of affairs to find that they are pensioners. If we meet again—as I hope we shall—I can give you an account of the scene of capture.

Yours, &c.,

CHARLES M. GRAHAM.

Captain GIBSON.

Many compliments and salutations from me, Captain Walter Gibson, inhabitant of America, who am brought by the favor of Heaven to the Sultan of Jambee.

I inform you that my first officer and three followers will appear before you, Sultan, as it is my purpose to be on good terms with you. I am able to assist you, Sultan, in all your wishes, as the American government has abundance of powder, shot, muskets, and blunderbusses (lellas.). I can help to make all the Malays free, or comfortable (in French à sur aisé,) for I do not like the Dutchmen. You, Sultan, shall be able to give good and firm orders to all the Malays. You shall be as with me, Sultan. I wish also to know the road between Jambee and Palembang, and the distance. I can assist in making everything right. I desire that all the Malays should be governed as in former times. In one month I can be at the mouth of the Jambee river. The Sultan can agree with my first officer what is best, for the American government has plenty of steamers and ships-of-war; there are plenty of both. You need not feel uneasy, Sultan; the whole upper districts of Jambee and Palembang I will put in good order. If it is possible, all Dutchmen must be killed. In a few days I can be with you and take possession of this empire.

WALTER BEN. GIBSON,
Commandante schooner American Flirt.

In Arabic, "Commander American schooner-of-war Flirt."

In the original letter it is signed, in Roman scripture, "Walter Ben. Gibson."

The signature in Arabic script is rendered thus: "Walter Anak Gibson."

List of documents accompanying my communication to the Hon. Humphrey Marshall, United States Commissioner to China, &c., &c., of date 22d and 28th December, 1853:

2 1. Shipping articles of Flirt.
1 2. Bill of sale of Flirt.
7 3. Discharge of master at Cape de Verde.
4 4. Policy of insurance in harbor of New York.
9 5. *List of* crew leaving Pernambuco, and statement with regard to *Flirt's going* to assist a wrecked vessel off Cape St. Roque.

6 6. Consul's bill at New York.
5 7. Clearance from New York.
8 8. Custom-house (alfandeza) charges at Porto Praya.
2 9. Register, with statement affixed, of change of master, see) No. 5.)
16 10. Endorsement of "Odd-fellow" papers.
17 11. Odd-fellow travelling ticket—American Institute.
14 12. Extracts from my journal on entering Mintok roads.
10 13. Clearance from Mintok, or Minton.
11 14. Resident de Braun's letter to governor-general.
12 15. Extract from de Braun's evidence.
13 16. Extract from Storm's evidence.
15 17. Endorsement on papers voluntarily sent to governor-general.

This list of papers being put together without my presence, are not in their proper order; so I have placed a column of figures to show the order required. There are a number of other minor papers—some seven more—emanating from authorities at Maceio and Pernambuco, as is customary at Brazilian ports, besides others from New York, such as bill of health, "Guarda mer" certificates, &c., which I did not deem essential, but may send by the Chusan, expected at Batavia in a few days.

WALTER M. GIBSON.

The following law papers not having been received till within a few hours of closing of the mail, there was no opportunity for obtaining the endorsement of the resident; which, however, I presumed not to be necessary for their legalization. The consular certificate of this place being sufficient, I obtained the residency certificate on the Flirt's papers, especially since they are by law held by the resident in Dutch East Indian ports:

No. 18. Preliminary or "provisional" arrest, February 15, 1852.

No. 19. Refusal of court of justice to ratify arrest, February 21, 1852.

No. 20. Re-arrest by judge-commissary, February 23, 1852.

No. 21. Decree of supreme court, 2d September, 1852, refusing to ratify sentence of liberation of low court, August 25, 1852.

No. 22. Decree of supreme court, 30th December, 1852, refusing to ratify sentence of liberation of court of justice, (low court,) 22d December, 1852.

This decree contains "act of accusation." There is a separate "act of accusation," but it is merely a copy of what is found in the above decree of low court.

WALTER M. GIBSON,
Weltevreden Prison, Batavia.

CONSULATE FOR THE UNITED STATES OF AMERICA,
FOR THE ISLAND OF JAVA.

I, the undersigned, acting consul for the United States of America for Java, hereby declare that the signatures of John Parker, government sworn translator for this city, and the signatures of the secretary of

Batavia, Pieter Severier, are, in my opinion, just and true, and deserving full faith and credit.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of my office, at Batavia, this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and fifty-three. [SEAL.]

E. W. CRAMERUS, *Acting Consul.*

Acts of the Congress of the United States of America for the government of merchants, seamen, &c.

[Omitted.]

We, the undersigned, late mariners on board the American schooner Flirt, of New York, on her late voyage, described on the other side, do hereby, each one for ourselves, with our signatures, acknowledge to have received of Captain W. M. Gibson, owner of the said schooner, the full sum hereunder set, agreement our names, being in full amount of our wages for our services, and all demands for assaults and batteries, or imprisonment, &c., &c., to the date hereunder set against our names.

Names.	Amount.	Amount in writing.	Place & date.	Payment.	Signatures and seals.	Witness to signature.
José Matthews	$10	Ten dollars.	Pernambuco.	.....	José Matthews, + his mark	J. Wright Gordon.
Lucarno.....	8	Eight dolls..	.....do	.....	Lucarno, + his mark...	J. Wright Gordon.
Silvester.	10	Ten dollars.	.....do	.....	Silvester, + his mark..	.....

BRITISH VICE CONSULATE, MACEIO,
September, 1851.

I hereby certify, that the master, immediately upon his arrival here, reported that John McCaully, Gabriel Gracis, and Daniel Illase, deserted at New York and Cape Verde, together with Thomas Davis and John Williams—the latter at Block island.

I likewise certify, that Jacob Hoffman is detained by police authorities.

I hereby certify, that Charles Graham was shipped at this port, as second mate, with my sanction.

JAMES BURNET,
Vice Consul.

I further certify, that José Matthews, Silvester, and Lucarno, three Brazilian marines, have been engaged, at the rate of $20 each, as seamen, to Pernambuco, and to be there discharged.

JAMES BURNET,
Vice Consul

I further certify, that there is no United States consulate in this province.

JAMES BURNET,
Vice Consul.

For a true copy. JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 25, 1853.

Gezeen von legilisatie der nevenstande naameteekening von John Parer, geswaren translateur alhier.
De resident van Batavia, by Verhundering, de secretaris.
SEVERIER. [SEAL.]

Seamen shipped, Protections granted, &c., &c., &c. Poole, Peutz, & Goin, New York.

UNITED STATES OF AMERICA.

It is agreed between the master and seamen or mariners of the schooner *Flirt*, of *New York*, whereof *E. C. Townsend* is at present master, or whoever shall go master, now bound from the port of *New York* to one or more ports in SOUTH AMERICA and EAST INDIES.

Date of entry.	Names.	Stations.	Birth-place.	Age.	Height.	Wages per month.	Advance wages.	
	Edward C. Townsend....	Captain.						
	John McCarthy.....	Mate.....	New York.....	30	5 7	$20	$30 00	
	Gabriel E. Gracies.....	Hand & cook	Spain.....	30	5 7	20	20 00	
	Daniel Illase	Seaman.....	Maine.....	23	5 8	13	15 00	
	Jacob Hoffman..	....do.....	New Jersey....	27	5 10	13	15 00	
	Thomas Davis	....do	Virginia.....	21	5 7	13	15 00	
	John Williams	....do.....	New York.....	24	5 7	13	15 00	
	Henry Jones.....	....do.....	.....do	20	5 7	11	13 00	13 50
	John Reynolds	....do.....	Virginia.....	19	6 6	11	13 00	
May 10	Eustatio Gomes.....	....do.....	Brazilian	23	6 8	13		
July 25	Edward Rogers.....	1st mate.....	New York.....	23	5 8	22	16 00	
25	Chas. Canitt.....	2d mate	New Orleans...	32	5 7	18	10 00	
Sep. 1	Chas. Murray Graham....	2d mate	Scotland	25		£4	£3 9	
22	Dominico Benteler, + his mark.....	Seaman.....	.....			$13	$6 50	
	Orison Chaffee, + his mark.....	....do.....	.....			13	6 50	2 mil reis.
	Manoel Antonio de Silva.	....do.....	.....			13	5 00	
	William David.....	....do.....	.....			13	15 00	
	José Eduardo Castilla ...	Carpenter ...	.....			15		
	James Iveny.....	Seaman.....	(A. B).....			13		
23	José Manoel Teixera.....	....do.....	.....			13		
	Joaquim Antonio, + his mark.....	....do.....	.....			13		2 mil reis.

CUSTOM-HOUSE NEW YORK,
Collector's Office.

I do hereby certify the foregoing to be a true copy of the original articles of the schooner Flirt on record in my office.

Given under my hand and seal of office, this 10th day of May, one thousand eight hundred and fifty-one.

C. P. CLINCH, *Collector.* [SEAL.]
WM. POOLE,
Notary Public.

For registered vessels.

JOHN A. BOGART,
Custom-house Broker, No. 25 Pine street.

To all to whom these presents shall come, greeting:

Know ye, that we, James Gadsen, James F. Edwards, and Richard Screven, of Charleston, State of South Carolina, sole owners of the schooner or vessel called the Flirt, of Charleston, South Carolina, of the burden of 153$\frac{5}{95}$ tons, or thereabouts, for and in consideration of the three thousand five hundred dollars, lawful money of the United States of America, to us in hand paid, before the sealing and delivery of these presents, by Walter M. Gibson, of the city and county of New York, the receipt whereof we do hereby acknowledge, and are therewith fully satisfied, contented, and paid, have bargained and sold, and by these presents do bargain and sell, unto the said Walter M. Gibson, his executors, administrators, or assigns, the whole of the said schooner or vessel, together with all and singular the masts, bowsprit, sails, boats, anchors, cables, and all other necessaries thereunto appertaining and belonging. The certificate of the register of which said schooner or vessel is as follows, to wit:

No. 1 In pursuance of an act of Congress of the United States of America, entitled "An act concerning the registering and recording of ships or vessels:"

James Gadsen, of the city of Charleston, State of South Carolina, having taken or subscribed the oath required by the said act, and having sworn that he, together with James Edwards and Richard Screven, trading together under the name and firm of James Gadsen & Co., are the only owners of the ship or vessel called the Flirt, of Charleston, South Carolina, whereof Richard F. Gough is at present master, and is a citizen of the United States, and that the said ship or vessel was built in Baltimore, in the State of Maryland, in the year 1839, which vessel lately belonged to the navy of the United States, and was sold by order of the Navy Department; and William Y. Leitch, surveyor of this district, having certified that the said ship or vessel has a poop-deck and two masts, and that her length is ninety-three feet ten inches, her breadth twenty-three feet ten inches, her depth seven feet ten inches, and that she measures 153$\frac{5}{95}$ tons, and that she is a schooner, has a square stern, and a billet-head; and the said James Gadsen having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said act, the said schooner has been duly registered at the port of Charleston.

Given under our hands and seals, at the port of Charleston, South Carolina, this seventh day of January, in the year 1851.

To have and to hold the said schooner Flirt, vessel, and appurtenances thereunto belonging, unto him, the said Walter M. Gibson, his executors, administrators, or assigns, to the sole and only use, benefit, and behoof of him, the said Walter M. Gibson, his executors, administrators, and assigns forever; and we, the said James Gadsen, James

Edwards, and Richard Screven, have, and by these presents do promise, covenant, and agree, for themselves, their heirs, executors, and administrators, to and with the said Walter M. Gibson, his heirs, executors, and assigns, to warrant and defend the said schooner Flirt, vessel, and all the other before-mentioned appurtenances, against all and every person and persons whomsoever.

In testimony whereof, the said James Gadsen, James Edwards, and Richard Screven, have hereunto set their hands and seals, this seventh day of April, one thousand eight hundred and fifty-one.

JAMES GADSEN,
By his attorney.
JAMES T. EDWARDS,
By his attorney.
RICHARD SCREVEN,
By his attorney.
J. L. SMALLWOOD.

Sealed and delivered in presence of—
JOHN AUGT. BRYANT.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

Personally appeared before me Joseph L. Smallwood, and acknowledged the within bill of sale to be his free act and bond.

In testimony whereof, I have hereunto set my hand and seal of office, this 7th day of April, in the year one thousand eight hundred and fifty-one.

HENRY CAMSDEN,
Notary Public.

On the foregoing bill of sale is endorsed, as certified by John Parker, sworn translator at Batavia, who signs the present as a true copy of the original:

Bill of sale from James Gadsen and others to Walter W. Gibson, schooner Flirt.

CUSTOM-HOUSE, NEW YORK,
April 17, 1851.

Received for record at twenty-five minutes past one p. m., and recorded in book of B. S. of R. V. No. 2, page 80.

G. RUSSELL, *Clerk.*
EHNINGER,
Deputy Collector.

For a true copy.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John Parker, geswaren translateur alhier.

De resident van *Batavia, by* Verhundering, de secretaris.

SEVERIER.

UNITED STATES CONSULATE,
Cape de Verde Islands.

I, Wm. H. Morse, United States consular agent for the Cape de Verde islands, do hereby certify, that Edward C. Townsend, according to his own writing, has been discharged of the duties of master of the schooner Flirt, and in his place is at present master of the said schooner Flirt Jacob H. Hoffman, a citizen of the United States of America.

Given under my hand and seal of office, Porto Praya, St. Jago, July 22, 1851.

L. V. DE SILVA, for
W. H. MORSE,
U. S. Consular Agent, Cape de Verde Islands.

For true copy.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 23, 1853.

Gezeen von legalisatie der nevenstande naameteekening, von John Parker, geswaren translateur alhier.

De resident van Batavia, by Verhundering, de secretaris.

SEVERIER.

Memorandum of a policy of insurance against fire by the Union Mutual Insurance Company. Office, No. 58 Wall street, New York.

In which policy of insurance it is witnessed, that in consideration of the sum of *ten* dollars, is insured against loss or damage by fire, in behalf of Walter W. Gibson, on the schooner Flirt while lying in the port of New York.

$5,000 one month—at $\frac{20}{100}$—$10, the insurance being from 8th April to 8th May, 1853.

Dated New York, April 8, 1851.

JOHN FALCONER, *President.*

Attested:

FERDINAND STAGG, *Secretary.*

The above memorandum taken from the original policy of insurance by the sworn translator.

JOHN PARKER.

BATAVIA, *January* 24, 1853.

CONSULADO DOS ESTADOS UNIDOS EN PERNAMBUCO.

Declara que escuna Americana Flirt, que segue viagem para porto de 'Maracagou," *le porto de Rio Grande de Norte*, e que este navio vai la afin de ver se pode ajudar a salvar hem carregamento de farhinha de huma barca de m'me naçaõ, que seguia para Rio de Janiero, e na passager da quella altara, e por este motivo he que a escuma vai aquelle porto para ajuda aso correr o navio de sun naçaõ e de mesma caza.

No.	Nomes.	Naçaõ.	Occupaçaõ.
1	Walter M. Gibson	Americano	Capitao.
2	Eduardo Rogers	Americano	1o piloto.
3	Charles Graham	Inglez	2o piloto.
4	Henry Jones	Americano	Marinheiro.
5	José Eduardo Castillo	Portuguez	Marinheiro.
6	Joçio S. da Rocha	Portuguez	Marinheiro.
7	Manuel A. Da Silva	Portuguez	Marinheiro.
8	William David	Americano	Marinheiro.
9	Orison Chaffee	Americano	Marinheiro.
10	Antonio M. Pirez	Portuguez	Marinheiro.

Certifico que a lista de huma copia fiel da relacao authentica des pessoas abordo da escuma Americana Flirt, que me for aprezentada por Walter M. Gibson, capt. de mesma escuma, e vai per mim assignado e per nim sellado, e certificado, e com o sello deste consulado.

J. WRIGHT GORDON, *Consul.*

PERNAMBUCO, 22*o. de Septembro de* 1851.

For a true copy.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande de naamteekening van John Parker, geswaren translateur alhier.

De resident van Batavia, by Verhundering, de secretaris.

SEVERIER.

Schooner Flirt, New York.

Manifest, 153 tons	$6 00
Bill of health	2 00
Crew list	1 00
Passport	1 00
	10 00

Received payment, May 10, 1851.

AGUIAR.

For a true copy. JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John Parker, geswaren translateur alhier.
De resident van Batavia, de secretaries.

SEVERIER.

VIDA CONSULATA BRITANICA,
Macio, Aug. 19, 1851.

[J. Burnet, Vice Consul.]

Luis Henrique Feriera d'Aguiar, cavalliero da ordem de Christo, addito d'legaçaõ Braziliera im Washington, consul-general do imperio de Brazil nos Estados Unidos d'America do Norte, &c., certifico que o documento anneno eo passaporte del escuna Americana Flirt, que segue viagem para Bahia.

Em fe do que, e para que se the naõ ponha impedimento, vai por mim assignado, e sellado com o sello dista consulado-general.

[SEAL OF THE BRAZILIAN CONSULATE.]

NEW YORK, 10 *di Maio de* 1851.

LUIS H. F. DE AGUIAR.

For a true copy of the original.
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John Parker, geswaren translateur alhier.
De resident van Batavia, de secretaris.

SEVERIER.

General clearance.

PORT OF NEW YORK:

These are to certify, to all whom it may concern, that E. C. Townsend, master or commander of the Flirt, burden 153 tons or thereabouts, mounted with guns, navigated with nine men, American-built, bound for Bahia and a market, has entered and cleared his vessel according to law.

Given under our hands and seals of office, at the custom-house, New York, this 10th day of May, one thousand eight hundred and fifty-one, and in the 75th year of the independence of the United States of America.

[SEAL.] C. P. CLUMP, *Collector.*

[SEAL.] ROB. STONE, *Naval Officer.*

For a true copy. JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John Parker, geswaren translateur alhier.
De resident van Batavia, by Verhundering, de secretaris.
SEVERIER.

[An act regulating passenger-ships and vessels in the original, but omitted in the present copy. J. PARKER.]

Custom-house charges at Porto Praya.—Dispesa da escuna Americana Flirt.

Entrada	$3.000
Visita de Sante	3.200
Registo	2.960
Guarda de mar, 8 dias, 3 deterra	3.300
Certitad e sello	.360
	10.820

W. T. COWEN.

ALFANDEGA DE ST. THIAGO, 26 *de Jutho*, 1851.

For a true copy. JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John Parker, geswaren translateur alhier.
De resident van Batavia, by Verhundering, de secretaris.
SEVERIER.

REGISTER No. 184.

UNITED STATES:

In pursuance of an act of the Congress of the United States of America, entitled an act concerning the registering and recording of ships or vessels:

[L. S.] WALTER M. GIBSON, of the city, county, and State of New York, having taken or subscribed the oath required by the said act, and having sworn that he, Walter M. Gibson, is only owner of the ship or vessel called the Flirt, of New York,

Townsend Haynes. [L. S.]

whereof E. C. Townsend is at present master, and a citizen of the United States, and that the said ship or vessel was built at Baltimore, State of Maryland, in the year 1839, as per register No. 1, issued at the port of Charleston, on 7th January, 1851, now cancelled and properly changed.

C. P. Clinch, *Dep. Collector.* [L. S.]

And said register having certified that said ship or vessel has a poop-deck and two masts, and that her length is 93 feet 10 inches; breadth, 23 feet 10 inches; depth, 7 feet 10 inches, and that she measures $153\frac{5}{95}$ tons; that she is a schooner, has a square stern, no galleries, and a billet-head; and that the said W. M. Gibson having agreed to the description and admeasurement above specified, and as sufficient security has been given according to the said act, the said schooner has been duly registered at the port of New York.

Given under our hand, seal of the port of New York, this 10th day of March, in the year 1851.

C. S. FRANCHESE,
Naval Officer.

BRITISH VICE CONSULATE, MACEIO,
September, 1851.

I hereby certify that Walter M. Gibson has become master of the schooner Flirt.

JAMES BURNET,
Vice Consul.

I further certify that there is no American consul in this province.

JAMES BURNET,
Vice Consul.

For a true copy of the original register.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 25, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John Parker, geswaren translateur alhier.

De resident van Batavia, by Verhundering, de secretaris.

SEVERIER.

The following objects were folded in a white paper cover, on which was written by W. M. Gibson: "The enclosed is evidence of my belonging to a benevolent lodge, Odd-Fellows' society, in America, whose chief object is to assist sick members; and this is the association to which I alluded when speaking to Mr. De Braun, at Palembang,

about my connexions at home. The American Institute is chiefly for the promotion of manufactures."

For a true copy. JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John Parker, geswaren translateur alhier.
De resident van Batavia, by Verhundering, de secretaris.
SEVERIER.

—

[Ornamental border.]

INDEPENDENT ORDER OF ODD-FELLOWS.

[L. S.] *To all whom it may concern:*

This certifies that Bro. Walter M. Gibson, whose name is written on the margin of this card in his own proper hand-writing, is a member, in good standing, of Constellation Lodge, No. 353, held at New York city, and working under a charter duly granted by authority of the Right Worthy Grand Lodge of the State of New York; therefore recommend him to your friendship and protection, and admission into all regular lodges of Odd-Fellows, for the space of three months from this date, and no longer.

In witness whereof, we have subscribed our names and affixed the seal of our lodge, this tenth day of October, in the year of our Lord one thousand eight hundred and forty-nine.

[L. S.] C. HARRISON.
ROBERT CLARK,
Secretary.

James Ridgely, G. S.

Walter M. Gibson.

[Ornamental border.]

D. W. C. PECK, *P. Sec'y, P. T. O.*

—

To the foregoing certificate are joined:
1. Two white silk badges, with the following printed inscription:

"Members of the American Institution—1847."

2. A card, as follows:

Member's Ticket.
Admit Walter M. Gibson and family,
during the 23d Annual Fair
of the
American Institution,
at Castle Garden, 1850.
J. W. CHAMBERS,
Clerk.
This ticket is not transferable.

For a true copy. JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John Parker, geswaren alhier.

De resident van Batavia, by Verhundering, de secretaris.

SEVERIER.

Extract of Journal.

In Banen Straits, January 4, 1852.—Scarcity again of provisions, wood, and water. I am reduced to a private stock of about half a pint of pure fluid. The rest on board is the filthiest slime I ever smelt at. I cannot taste of it. There has been great improvidence about saving rain water. On various occasions came to anchor about sixteen miles southeast of Manopin hill, or Minton, for the sole purpose of getting water.

January 5th.—Mr. Graham went ashore on the Banen side, but could find no water after a long search. Great quantities of fish, mud reptiles, and perriwinkles—the same as on the *Sumatra* side. Found excellent wood, good sandstone for scrubbing, and a very pretty purple and white-veined shell, exactly resembling Windsor soap.

I have been without a clean shirt for upwards of a month, and for the past two weeks have worn no linen at all over my flannel; and I am certainly none the worse, but rather feel the better. I have looked with pity at sailors, with their everlasting blue wool next to the skin at all points, about the neck especially, and I may add the legs, where linen seems so indispensable; but I have begun to find myself more merry and buoyant under the continual itch of wool. Another portion of sailor life I have adopted with excellent result: which is, to sleep in my clothes, except shoes, and lie on the hard transom. I wake now more promptly, and without the least feeling of drowsiness.

Anchored off Minton, January 5, 1852.—Failing to get water this morning, I resolved to run in near Minton Fort and get what was desired. When within ten miles of the anchorage, a violent wind and rain-squall struck us; and on we careered towards the land with no

her guide but the soundings. She appeared to scud at the rate of ght knots under bare poles. In addition to this state of affairs, to be etween two dangerous shoals, starboard and larboard, and to be running down upon an unknown coast, and seeking an anchorage in such a inding storm, was a condition just serious enough to make me think, possible, of passing the night ashore in a wet shirt, as it was. There ould have been no difference about the shirt, for I was on deck all e time, and took enough of drenching to answer for a lifetime's ydropathic practice. Fortune favors the Flirt, if not the brave on oard. She swung, all taut and fast, in six fathoms water, with irty fathoms of chain and the big bower out.

10 *o'clock p. m.*—I know not this night whether I am one mile or five iles from this place called Minton marked on the chart. The Flirt beginning her frolics again, but I presume this time of a pleasanter uality. She is evidently doomed *not* to accomplish any especial voyge for which she originally set out. My caprice has certainly nothing o do with her stoppage in this case.

In Minton Roads, January 6, 1852.—Daylight discovered Minton, bout two miles off, and we found that we had come to in the best ossible position for wood and water. A revenue-cutter passed us this morning with ladies on board, who commenced laughing and pointing with their parasols upon my looking with my telescope. I must confess that that woman's laugh had a very pleasant effect upon my nerves, and was the chief temptation for my going on shore, which I had previously thought it best to avoid, or the town at least. No account of possible port charges.

January 7, 1852.—Graham and men returned on board this morning at about daybreak; had been left by the tide inside of a little cove. Quite cool. Weather has kept me on board all day. In the afternoon (77° to 79°) received a social visit from captain of revenue-cutter, a very pleasant Dutchman indeed, who likes my craft and cigars amazingly. Naval commandant sent me off some excellent fresh bread from his kitchen this morning. Heavy showers all day.

January 8, 1852.—Confined in cabin all forenoon—finally in * *

For a true copy.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naamteekening von John Parker, geswaren translateur alhier.

De resident van Batavia, by Verhundering, de secretaris.

SEVERIER.

Translation [stamp] of act of clearance.

Walter M. Gibson, commander of the schooner Flirt, sailing under American colors, and belonging to New York, lately arrived from Perambuco, on the 7th January, 1851, having exhibited to me the proofs

of having submitted to the local laws and regulations, as ordained by the harbor-master's regulations, is hereby permitted to depart for the ports of Palembang and Singapore, the places of his destination.

MINTOK, *January* 12, 1852.

[Remarks about passengers.]

[Remarks about custom-house regulations.]

KAMP, *Harbor-master.*

The harbor-master, Kamp, Batavia, January 24, 1853.

For the translation from the Dutch.

JOHN PARKER,
The Sworn Translator.

Gezeen von legalisatie der nevenstande naameteekening von John Parker, geswaren translateur alhier.

De resident van Batavia, by Verhundering, de secretaris.

SEVERIER.

To his Excellency the Governor General of Netherlands India, &c., &c., &c.

[Translation.]

Letter Y, (18,) *sundry vouchers.*

PALEMBANG, *February* 6, 1853.

Under the escort of his Majesty's steamer Arjoeno, commanded by the master and commander Voet, I have sent to Batavia, under arrest, the schooner Flirt, sailing under the American flag, together with its crew.

With the above information, I have further the honor to state to your excellency the causes of the above-stated measure.

On the 17th January arrived in these roads the American schooner Flirt, commander Walter Murray Gibson, arrived directly from Pernambuco, in the Brazils, after having, on the voyage, touched at Anjer and Mintok, in these possessions, at which last-named port he remained some days.

This vessel had no cargo whatever on board, the commander stating that he travelled for pleasure, and that being of a somewhat extravagant disposition, he had been sent abroad by his rich father.

The crew was very weak, consisting of one mate and six seamen, of different nations. Although the ostensible object of this vessel appeared rather strange, still, considering the adventurous nature of both Englishmen and Americans, it did create much surprise, and the commander, as a well-educated stranger, was the object of the most hospitable and even cordial reception. Complaints, entered by his sailors, about indifferent food and bad payment, combined with the sale of sundry articles belonging to the vessel at comparatively low prices, soon destroyed

ll faith in his riches; "but," said he, "it is true that *here* I am in want f money, but at Singapore I will again be rich, being in possession of tters of credit to a large amount upon commercial houses there.

Every day he spoke about continuing his voyage without carrying is plan into execution. He formed different connexions with Chiese, Arabs, and Palembangers, and I began to observe him with disust, and ordered the police to keep a vigilant eye upon him.

A week ago, I heard that he had attempted, in sundry ways, to proure charts of the interior, without having, however, succeeded with everal officers and non-commissioned officers, to whom he had made pplication. From day to day he put off his departure; whereas, in he beginning, he showed himself in good society here and there, he fterwards left off visiting anybody, but associated with native chiefs.

An inhabitant of Palembang, a certain Kiagoos Lanang, among ther things, instructed him in reading and writing the Malay language.

Yesterday I received information that his mate, an Englishman, amed Graham, had, in company with one of the sailors, secretly left Palembang in a small prow, and had proceeded up the river Moisie, aving in his possession a letter from his captain, Walter Murray Gibson, addressed to the Sultan of Jambee.

This proceeding at once brought to light the object of this visit to this place, and it seemed that he wanted to act the part of James Brook.

I gave orders immediately to pursue the mate, and the assistant for the police Krangkarta Tregara, succeeded in arresting and overtaking him at about 10 miles up the river, but not until after he had attempted to offer resistance by force of arms.

From the verbal process which, together with the necessary vouchers, I have the honor to hand to your excellency, it will be seen that these strangers have rendered themselves guilty of high treason and deserve death.

As every circumstance is explicitly stated in the verbal process, I take the liberty (for the sake of expedition) to refer to that document.

For as much as it is thus far known that no native chiefs are connected with this case, excepting the writer of the letter, Kiagoos Lanang, his master for the Malay language, who, early in the morning of the 5th, gave information to the assistant for the police, but not, however, before the mate had been gone a couple of hours.

This Kiagoos Lanang is, however, a person of too little importance, and I suppose that in this case he was guided by self-interest. I have, in expectation of your excellency's decision, placed him in safe keeping.

In the actual state of the residency, the above-stated occurrence was very disagreeable to me, and might have had disastrous results in case the mate had succeeded in reaching the Sultan of Jambee, or the insurgents at Amfat Lanang. The native here is by nature prone to rebellion and remarkably superstitious, and what has occurred may, being exaggerated and augmented, have a disagreeable result in the rebellious boundary districts.

It is fortunate that their total ignorance of the country has led to the failure of their measures. I have considered that there is considered sufficient cause (after what has happened) to arrest the American

schooner Flirt, its captain, mate, and crew, and as I have already had the honor of stating to your excellency herewith, send them to Batavia under the escort of his Majesty's steamer Arjeona, to be there placed at the disposition of the government.

I hope that I have, in this case, acted according to my duty, and most respectfully take the liberty of soliciting the approbation of your excellency. The assistant for the police, Krankarta Negara, who by his calm resolution prevented bloodshed, has deserved the approbation of your excellency.

The resident of Palembang.

C. A. DE BRAUN.

For the translation from the Dutch.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von John Parker, geswaren translateur alhier.
De resident van Batavia, by Verhundering, de secretaris.

SEVERIER.

[Translation.]

Extract from the evidence of the witness De Braun.

Gibson likewise tried to intimidate me; and said, among other things, that he belonged to an association of young men who had undertaken to curtail the *power of Europeans* over less civilized nations, and especially to follow the example of J. Brook; and he further stated that their association had "*twelve steamers*," each armed with eight Paixhan guns. To Mr. Nicholson he said, "*my government* will repay you," (mon gouvernement rous le payera.) To me he did not use the above words, but gave me the same thing to understand.

For the sworn translations from the Dutch.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John Parker, geswaren translateur alhier.
De resident van Batavia, by Verhundering, de secretaris.

SEVERIER.

[Translation.]

Extract from the evidence of the witness Storm Van St. Gravesande.

While we were going on board, the accused asked me what I thought about his case, and what was likely to be his punishment according to

tch laws. I answered that it was a bad business, which, according ɔur laws, might end in capital punishment.
He then said: "This is too bad. In *America*, cases of a similar ture are only punished with five years' imprisonment (y zert?) in ns."

For the translation from the Dutch.

JOHN PARKER.
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John 'arker, geswaren translateur alhier.
De resident van Batavia, by Verhundering, de secretaris.

SEVERIER.

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ndorsement made by Walter M. Gibson on the back of a bundle of papers voluntarily given up by him to the governor-general, with the memorial addressed to his excellency:

Package of manuscripts and papers, composed of 17 files, from A to inclusive, relating to my private life, business, last voyage, and otherise explanatory of the late occurrence leading to my present state of rest. I trust that all these several papers will be returned to me er being satisfactorily examined, and copied if necessary; and I ɔuld beg to suggest that they may not fall into hands to be perused m mere motives of curiosity.

Respectfully,

W. M. GIBSON.

BATAVIA, *February* 20, 1853.

For a true copy.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 24, 1853.

Gezeen von legalisatie der nevenstande naameteekening von John rker, geswaren translateur alhier.
De resident van Batavia, by Verhundering, de secretaris.

SEVERIER.

CONSULATE OF THE UNITED STATES OF AMERICA FOR JAVA.

, the undersigned, acting consul for the United States of America the island of Java, do hereby declare that the signatures of John ker are, in my opinion, just and true, and deserving full faith and lit.

n testimony whereof, I have hereunto subscribed my name and affixed the seal of my office of Batavia, this twenty-eighth
AL.] day of January, in the year of our Lord one thousand eight hundred and fifty-three.

E. W. CRAMERUS,
Acting Consul.

[Translation.]

In the name of the King—Sentence.—The Most High Court of Netherlands India. (*1st instance.*)

Seen the sentence of the court of justice of Batavia, assembled in council of the 22d December, 1852, rendered upon the requisition of the officer of justice of said court of the 8th, by which it is demanded that this court shall decide about the trial of Walter Murray Gibson and Charles Murray Graham; and is concluded that the court shall order the trial of Walter Murray Gibson, aged twenty-nine years, master of the American schooner Flirt, and Charles Murray Graham, aged twenty-six years, mate of the above-mentioned vessel. With regard to the first:

That on the 4th February, 1852, he caused to be written, and, knowing the contents, subscribed a letter addressed to the Sultan of Jambee, a prince subject to the Netherland India sovereignty, in which letter this prince is instigated to armed rebellion against the State, and to withdraw himself from its supremacy, and likewise forcibly to seize upon a part of the territory belonging to the State, with the promise of giving assistance in this rebellion; and that afterwards, for the purpose of delivering the said letter, and further carrying into effect the proposition of rebellion made to the person to whom the letter was addressed, he set out for Jambee; in the execution of which purpose he was, however, prevented by the authorities, and with orders that both shall continue in their temporary confinement; and it is declared by the said sentence that, from the judicial instruction in this case, no sufficient grounds have appeared to warrant the further prosecution of W. M. Gibson and C. M. Graham above named, in the case above mentioned; and that therefore no terms for the trial of the accused exist, with order that they shall be immediately set at liberty, excepting in case other circumstances should warrant their further detention.

Seen the act of relief against the above sentence drawn up at the rolls of the court of justice aforesaid, on the 24th December last, at the request of the officer of justice of this court:

Seen the account and the requisition of the attorney general at the high court of 25th December, 1852, showing that the high court of 28th December, 1852, with regard to the sentence rendered by the court of justice of Batavia on the 22d December, 1852, and against which an act of relief was entered:

1st. Shall annul the same, and declare that there exist sufficient causes for further prosecution, and consequently ordain the trial of W. M. Gibson, aged twenty-nine years, commander and owner of the schooner Flirt, sailing under American colors, and of C. M. Graham, chief mate of said schooner; and, as regards the first accused:

That on the 4th of February, 1852, he caused to be written, and, knowing the contents, subscribed a letter addressed to the Sultan of Jambee, a prince subject to the Netherland India sovereignty, in which letter the said prince is instigated to armed rebellion against the State, in order to withdraw himself from its supremacy, and likewise forcibly to seize upon a part of the territory of the State, with the promise of giving assistance in this rebellion; and further, that he did despatch the

d Graham with this letter to the said prince; and, as regards
that on the 5th of February, 1852, he received, for the pur-
livery, a letter addressed by the first accused, Gibson, to the
Jambee, a prince subject to the Netherland India supremacy,
ise forcibly to seize upon a part of the territory belonging to
with the promise of giving assistance in this rebellion; and
wards, for the purpose of delivering the said letter, and fur-
ing into effect the proposition of rebellion made to the person
the letter was addressed, he set out to Jambee; in the execu-
hich purpose he was, however, prevented by the authorities.
all ordain that the officer of justice of Batavia shall, within
me as possible, draw up an act of accusation, and present the
he court of justice; further—
all ordain that the accused shall meanwhile continue in con-

Seen Theen Documents.

the memorial of suggestion presented in behalf of the first
o the court of justice of Batavia.
ering that the facts proved by the instruction* contain sufficient
the further prosecution of the accused in the case of the crim-
as charged to them, which, according to the here existing
e, constitute a crime which is menaced by bodily and infa-
ishment:
articles 107, 71, and 110, of the regulations of the penal
he courts of F. in Java, and the high court of Netherlands

the above sentence of the court of justice, against which
has been made:
es that there exists sufficient grounds for continuing the prose-

s the trial of Walter Murray Gibson, aged twenty-nine years,
er and owner of the schooner Flirt, sailing under American
nd of Charles Murray Graham, aged twenty-six years, chief
he said vessel.
st accused:
ubsequently to his arrival within the jurisdiction of Palem-
which place he had proceeded with hostile intentions in the
ler his command,) he attempted, by a letter written by his
the 4th of February, 1852, and handed to the second accused
y to the Sultan of Jambee, a prince subject to the Nether-
ereignty; the contents of said letter being to stir up this prince
armed rebellion against the government, and by murder, and
arrantable deeds of rebellion, to break off the connexion ex-
ween him and the government, and throw off its supremacy;
which, the accused promises aid and assistance to the said

cond accused:
ith the entire knowledge of and participating in the above-

*nstead of the word instruction.

J. PARKER.

stated intentions of the first accused, he accepted the letter written to obtain the result wished for, and undertook the delivery of the same; and that, for the further promotion of the views mentioned, he set out on the journey, the entire fulfilment of the plan of the accused being prevented by circumstances independent of their will, which proceedings constitute the crime of high treason:

Ordains that the officer of justice of Batavia shall, within as little time as possible, draw up an act of accusation, and present the same to the court of justice; and ordains that the accused shall meanwhile continue in prison.

Thus done in the chamber of council, Thursday, 30th December, 1852, by

C. HULTMAN, *President.*
D. A. JUNIUS VAN HEMERT,
A. J. SWART,
F. L. ANTHING,
W. L. C. KENCHENIUS,
Counsellors of the Court.

In the presence of the recorder—
H. W. DU PERRON.

Signed: C. Hultman, D. A. Junius Van Hemert, A. J. Swart, F. L. Anthing, W. L. C. Kenchenius.

Known to me.

H. W. DU PERRON.

For the authentic copy.

SCHUMMAN.

For a true copy.

J. P. BROWMER.

Signified and handed a copy to Walter M. Gibson, by me, doorkeeper of the court of justice of Batavia, this 21st day of January, 1853.

J. P. BROWMER.

For the translation from the Dutch.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 27, 1853.

[Translation.]

In the name of the King:

The high court of Netherlands India, (1st instance,) assembled in the chamber of council:

Seen the sentence given by the court of justice of Batavia on the 25th August, 1852, in the chamber of council, by which the said court,

giving sentence at the requisition of the officer of justice of that court of the 18th August, 1852, requested that a decision be taken by the judge; in which requisition, by means of amply-developed grounds, a conclusion is taken that the court shall declare that there exist no terms for according entrance into judicature against the persons of Walter M. Gibson and Charles M. Graham, and that there are no grounds for continuing the proceedings against them in the case of misdemeanor of which they stand accused; and the court of justice having declared that no order for granting entrance into court against W. M. Gibson and C. M. Graham ought to be granted, as regards the accusation against them of having attempted to instigate to rebellion against the Netherlands India government, the Sultan of Jambee; declaring, further, that there exist no grounds for proceeding further in this city, has ordained that the accused shall be immediately set at liberty, unless there should exist some other cause to warrant their detention:

Seen the opposition entered at the rolls of the court of justice before named on the 25th of August, 1852; by which it appears that the officer of justice of said court has declared (in consequence of an official order received by him from the attorney general) to enter into opposition against the above sentence of the court of justice, in the name of the attorney general of the high court:

Seen the written statement of the attorney general to the high court, dated August 29, 1852, and his requisition of the same date, that the sentence pronounced by the court of justice (against which relief had been entered) should be annulled, and orders for entrance into judicature of the case be issued against the accused, with order that they continue in confinement:

Considering the provisional detention of the accused, W. M. Gibson and C. M. Graham, above named, which took place by an order of the judge-commissary, confirmed by the court of justice by sentence of 25th February, 1852:

Considering the contents of the documents produced:

Considering that the sentence of the court of justice of Batavia, against which relief has been asked, was given on the strength of a requisition taken by the officer of justice of said court, demanding a decision about the granting or refusing entrance into judicature, and containing a refusal of an order for entrance, declaring that no cause existed for proceeding with the case, there being no proofs of guilt against the accused therein named:

Consequently, that this decision was taken in conformity to article 68 of the penal code; and that, against such a decision, opposition can be entered, in virtue of article 72.

Considering, further, that the opposition was made as directed by article 72—namely, by the officer of justice, whose powers of entering opposition (not being a party in the case, but the agent of the general interests of society) cannot be limited or curtailed by the similarity of the decision of the court, with the conclusion taken by him, that, although at the registration of the opposition it was entirely unnecessarily mentioned that it took place "in virtue of the order of the attorney general"—this information does not in the least alter the nature or value of the opposition, as such an order is not in opposition to the general

principles of the penal code, by which officers of justice, as regards the execution of their duties with regard to criminal matters, are subordinate to the attorney general:

Considering, therefore, that the decision about allowing or refusing entrance into judicature of the case of the before-mentioned accused has been submitted to the court in a lawful manner:

Considering, with regard to the case itself, that there exist sufficient causes for complaint to consider the accusation brought forward as being of a criminal nature:

Considering the regulations of the law above mentioned; also, article 71 of the penal code:

Giving judgment on the requisition of the attorney general:

Annuls the sentence of the court of justice pronounced on the 25th August, 1852, against which opposition has been made:

Grants orders for entrance into judicature, with orders of further detention against the persons of Walter Murray Gibson, aged twenty-nine years, late master of the American schooner Flirt, and Charles Murray Graham, aged twenty-six years, late master of the said schooner, as regards the accusation brought against them, which, from the provisional information, consists in having, during their stay at Palembang, attempted to instigate subjects of the government to armed revolt, with promise on their part to abet the same; which actions or attempts are menaced in this country by bodily or disgraceful punishment:

Declares, further, that the present order shall, if necessary, be executable within the entire extent of Netherlands India; and the public, civil, and military authorities, are hereby called in to lend their assistance, should it be required.

Thus done in the chamber of council, on Thursday, the 2d of September, 1852, by us.

G. HULTMAN, *President.*
P. B. VAN HULTEN,
D. A. JUNIUS VAN HEMERT,
J. R. COUPERUS,
J. L. ANTHING, *Members.*

In presence of the recorder—
H. W. DU PERRON.

Signed: C Hultman, Brunsfelt Van Hulten, D. A. Junius Van Hemert, J. R. Couperus, J. L. Anthing.

Known to me. H. W. DU PERRON, *Recorder.*

For a true copy. SHUMMAN.

For copy. J. P. BROWMER, *Doorkeeper.*

Signified the above, and delivered a copy to W. M. Gibson, by me, doorkeeper of the court of justice of Batavia.

J. P. BROWMER,
Doorkeeper.

SEPTEMBER 6, 1852.

For the translation from the Dutch, with *one* word erased.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 27, 1853.

[Pro justicia.] [Translation.]

The court of justice of Batavia, assembled in council, rendering justice upon the requisition of the officer of justice, dated 20th February, 1852, thereby concluding to the ratification of the orders for provisional detention of the persons of Walter Murray Gibson, master and owner of the American schooner Flirt; Charles Murray Graham, the mate; and O. Chaffee, J. Ivery, H. Jones, J. E. Castillo, M. A. da Silva, A. M. Pirez, J. Antonio, and J. M. Teixera, seamen of said vessel; which persons are supposed to have attempted to instigate the Sultan of Jambee to rebel against the government of Netherlands India, examined the documents produced.

Considering that the facts brought against the persons previously detained, in virtue of orders issued by the officer of justice at the court of justice, under date of 15th and 20th February, 1852, are of an especial nature:

Considering that, on this account, the resident of Palembang has considered it his duty not to act in his capacity of assistant officer of justice, but as the functionary charged with the civil authority, and therefore to take provisional measures, and enter into correspondence with the governor-general of Netherlands India:

Considering that this manner of acting by the resident of Palembang is probably in consequence of the regulations prescribed by article twenty-four of the government regulations, in the first part of which it is stipulated that the governor-general shall have the power to order the arrestation of such persons as may appear to him dangerous to the public peace or security, by an order signed by him personally:

Considering that, however this may be, it is certain that the case has not been treated according to the common course of justice; but that, instead of its having been taken in hand by the officer of justice, it has been done so by the governor-general:

Considering that it does not now appear that the governor-general has given orders to any of the members of the public ministry by which they should be obliged to follow up this case in the usual manner:

Considering that, in this circumstance alone, a cause can be found to refuse the ratification demanded of the orders for provisional detention issued by the officer of justice, which is concluded by his above-stated requisition:

Considering that, even if the complaint against the above-named persons had been followed up by the officer of justice, in virtue of orders given him in his capacity as a judicial functionary, still that there could exist no grounds for issuing orders for a provisional detention:

Considering that the right to issue orders for provisional detention is, it is true, granted by the law to the officers of justice in cases of discovery of the fact; but, nevertheless, that it is clearly understood that such orders must be given at the moment of discovery, or immediately afterwards, as the power to issue such orders is only given to the members of the public authority and to the officers of justice in those cases where the judicial authorities are, by especial circumstances, prevented from getting immediate knowledge of the facts, and thereby to take the necessary measures in such cases:

Considering that it is likewise stipulated, by article 38 of the penal code, that the instruction, in cases of discovery of the fact, which belongs to the officers of justice, shall take place, with the assistance of all the auxiliary officers, in every case where such instruction must take place, beyond the limits of the residency in which such court of justice is situated:

Considering, with this last-named article in view, and that which immediately precedes it, that in this case the officer of justice might have asked for ratification of orders for provisional detention, issued by the resident of Palembang, given him in his quality of auxiliary officer, but never of such orders given by the officer of justice himself:

Considering that, in consideration of the four last-named grounds,* ought to be refused:

Seen article 27, and the following articles to article 47, of the penal code, &c., &c.:

Refuses the confirmation of the orders for provisional detention given by the officer of justice under dates of 15th and 20th of February, 1852, against the persons of Walter M. Gibson, master and owner of the American schooner Flirt; C. M. Graham, mate; and O. Chaffee, J. Ivery, H. Jones, J. E. Castillo, M. A. da Silva, J. Antonio, A. M. Pirez, J. M. Teixera, seamen of said vessel.

Thus done on Saturday, 21st of February, by

W. H. DUCLOUX, *President.*
P. F. BOSEL, *Member.*
P. T. V. B. & SON, *Id.*
F. H. E. SCHUSLER, *Id.*

In the presence of—
J. B. VAN SEENWEN,
First Deputy.

Signed: Ducloux, Bosch, V. Braam van Son, Schusler, Van Seenwen.

For a true copy. J. P. BROWMER,
Doorkeeper.

* The ratification.

J. PARKER.

From the translation from the Dutch, with *one* corrected and *three* words erased.*

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 27, 1853.

[Pro justicia.] [Translation.]

Order for provisional arrestation.

The officer of justice at the court of justice at Batavia:

Read the documents of the provisional instruction about the accusation brought against Walter Murray Gibson, commander of the American schooner Flirt, as having rendered himself guilty of the crime of high treason, by writing a letter in the Malay language to the Sultan of Jambee, the contents of which would appear to be of a nature to attempt rendering the last-named person hostile towards the Dutch government, and instigate him to rebellion against said government; also, the accusation against Charles Murray Graham, mate, and Orison Chaffee, seaman, of the above-mentioned vessel, as having been guilty of complicity in the above-named crime:

Heard the persons accused:

Considering that, from the information already collected, it has been sufficiently proved that the said W. M. Gibson caused a letter as above mentioned to be written, and, after having signed the same, despatched it; likewise that C. M. Graham was apprehended on the fact, being then in possession of the letter in question, which had been given him to be forwarded; and, finally, that Orison Chaffee accompanied the second accused on his expedition:

Considering that therefore sufficient terms exist to warrant the detention of the above-named and probably guilty persons:

Attended to article 29 of the penal code of the courts of justice in Java, and the high court of Netherlands India:

Ordains the provisional arrestation, in the civil and military prison at Weltevreden, of W. M. Gibson, commander of American schooner Flirt, aged 29 years; C. M. Graham, aged 26 years, mate; and O. Chaffee, seaman, of the above-named vessel.

Thus done at Weltevreden, this 15th of February, 1852, by me, officer of justice at the court of justice at Batavia.

DE WAL.

For copy.

VERMANS,
Sheriff.

For the translation from the Dutch.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *January* 27, 1853.

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* The words "for the" I erased. J. PARKER.

[Pro justicia.] [Translation.]

In the name of the King:

We, judge-commissary, charged with the instruction of criminal cases at the court of justice at Batavia:

Seen the requisition of the officer of justice at the same court, by which is concluded that preliminary informations shall be taken, both on the subject of the crime of high treason mentioned in the requisition, and on the culpability of the persons therein named; and, further, that an order be issued for the provisional arrestation of the persons named Walter M. Gibson, master and owner of the American schooner Flirt; Charles Murray Graham, mate; and O. Chaffee, J. Ivery, H. Jones, J. E. Castillo, M. A. da Silva, A. M. Pirez, J. Antonio, and L. M. Teixera, seamen of said vessel:

Considering that the facts alleged against the commander and crew of the American schooner Flirt are of a criminal nature:

Considering, therefore, that there are terms for proceeding to collect provisional information:

Considering that the crime for which they stand accused is, by the penal code of this country, subjected to bodily and infamous punishment:

Considering both the serious nature of the crime, and the circumstance that all the accused are strangers, so that an attempt to escape on their part is to be apprehended:

Taken into consideration the articles 19 and 62, first part, and 64 and 71, second part, of the penal code:

Giving disposition on the requisition of the officer of justice:

Gives orders that there shall be proceeded to collect provisional information:

Ordaining that shall be detained provisionally the person of Walter Murray Gibson, aged 29 years, commander of the American schooner Flirt:

Declares that this order shall be executable throughout the entire jurisdiction of Netherlands India.

Thus done at Batavia, this Monday, the 23d of February, 1852, by me, judge-commissary, above named.

F. H. E. SCHUSLER.

For copy. J. P. BROWMER.

For the translation from the Dutch.

JOHN PARKER,
The Sworn Translator.

BATAVIA, *July* 27, 1853.

No. 2.

Mr. Marshall to Commodore Aulick.

MACAO, *February* 22, 1853.

SIR: You are already apprized of the detention of Walter M. Gibson, an American citizen, in the prison of Batavia, by the authorities of the

Netherlands India government on the charge of high treason, as the papers connected with his arrest and the proceedings in the first stages of the case were forwarded to your address. It appears that, by a definitive decree of the superior or high court of Java, jurisdiction of the case is entertained, and that the accused must stand a trial upon the merits under "the act of accusation." For that trial the 14th February, instant, was fixed by competent authority. It seems, however, that under the rules of practice in the courts of Java, the accused may imparl for thirty day for absent testimony; of which privilege it is the design of Mr. Gibson to avail himself, in order to be assisted by the presence of some of his countrymen, whose evidence in his behalf he deems essential to a proper and full defence. Mr. Gibson states that considerable stress is laid upon his possession of a diploma or travelling ticket from the Order of Odd-fellows in the United States; and that the authorities of Java are likely to be prejudiced against him by the absence of evidence to explain the innocent character of that paper. He also mentions the fact that his possession of a pair of silver epaulets, with the motto "Excelsior" raised upon their shoulder, has given rise to dark surmises, and affects him in public opinion. He complains bitterly of the unusual and unprecedented course which has been taken in his case, and thus appeals for aid:

"The abortive visit of the St. Mary's, as it is termed, has been made the subject of a great deal of annoying comment; and I am well assured that stories have been assiduously spread among the native population of Batavia and Palembang, that an American war-ship came to take the American captain out of prison, but had been ordered off by the governor-general, &c., &c. After the lapse of time that has taken place, and the manner of treating my case, I do think great injustice has been done to me; and I beg to suggest the opinion that, in view of all procedures connected with the seizure of the Flirt, leaving out all considerations with regard to my person, that it behooves the honor of the United States flag in these seas that one of her powerful steamships of war should visit Mintok and the roads of Palembang. At present, as regards the immediate action upon my case, it would be of the utmost importance that some United States officer were here, or official personage, who should be nothing more than a mere witness on points previously stated, that he might collect a thorough report of the case for the government at Washington. I pray for the presence of some official person as above suggested, however insignificant may be his station, who may be enabled to assist me as witness and counsel. If there were an American, if there was a consul here, I need not ask this; but, though nominally so, there is virtually neither the one nor the other here. The American has forgotten his country, and the commercial agent, who bears the name of consul, is a *Dutchman*; and though a good enough hearted man, is a thoroughly timid, non-committal merchant, who has not and who would not dare to take the slightest prominent part in my behalf."

He suggests his intention to ask a *postponement* of his trial to 5th March, under the hope that, *conjointly with you*, I may be enabled to send him the desired relief, &c., &c.

I have examined the papers submitted to me by Mr. Gibson. I re-

gret to say that they afford strong persuasive evidence that if his hand has not executed, his heart conceived, a course of action exceedingly reprehensible upon the part of an American citizen. To be sure, the style and tenor of the letter to the Sultan of Jambee could only have excited laughter from the Sumatra chief, and in all probability would have insured the prompt expulsion of the bearer from the territory of Jambee. Yet it is evident from that document, from the letter of Graham, and his conduct at the time of his capture, that a Quixotic scheme had been formed to emulate in Jambee, by a forcible resistance to the authority of the Netherlands East India government, if necessary, the career of the Rajah of Sarawak, in the eastern archipelago.

The existing relations between the Netherlands East Indies Company and the Sultan of Jambee nowhere appear among the papers, except in the dictum of the supreme court, which claims that the latter is a "subject" of the former. As the charge against Mr. Gibson is a charge of high treason, it would be necessary to establish *by proof in the case* that the Sultan of Jambee owed allegiance and acknowledged the obligation at some time prior to the date of that document, he being the original sovereign of Jambee; for it could not amount even to constructive treason that Gibson should have counselled war against the Netherlands East Indies government, unless the person so advised was then a subject owing allegiance, or a public enemy. The stern pursuit by the authorities of Java of this grave charge against Mr. Gibson, in the face of several preliminary decisions by the ordinary court for the trial of such cases, exhibits a sensitiveness in regard to the Sultan of Jambee which is *per se* sufficient to awaken investigation of the character of the governmental claim upon his allegiance. While the government of the United States will punish any improper interference by their citizens between other established governments and their people, and certainly will never countenance any effort to disturb the amicable relations existing between neighboring countries; yet, when an American citizen is arraigned for trial upon so grave a charge before the tribunals of the power which claims the sovereignty, and his property, liberty of life, may be the forfeit in case of conviction, they will narrowly examine the tenure by which such sovereignty is claimed, because its validity enters into the essence of the judicial sentence.

No matter how indiscreet the conduct of Mr. Gibson may have been, if it was not *criminal* in the proper judgment of the law, the United States would not submit to the infliction of punishment upon him for the alleged crime of *treason*. And when that crime depends essentially upon the establishment of such a fact as that the Sultan of Jambee is a "subject" of the Netherlands East Indies Company, the United States will require the proof of that fact to rest upon an indisputable foundation, and to appear most conclusively.

Protection to the citizen cannot cease whenever he is merely accused of offence against a foreign power. It is at such a moment government should most promptly exercise its functions, because there only does it actively exhibit to its people the reciprocal value they obtain for allegiance. A government which silently submits to the oppression of a *citizen under the mere forms* of law, could not be relied upon to vindicate *his rights* when ruthlessly invaded. I am sure the government of

the United States will not be exposed by its apathy in any case to such censure. The trial of Mr. Gibson will not probably occur prior to the 5th of March next; and as he appeals under very peculiar circumstances for the assistance of some of his countrymen clothed with official distinction, to aid in counselling him, to afford evidence of the harmlessness of an Odd-Fellow's travelling ticket, (an innocent and most charitable companion,) or at least to gather up the record of his trial, in order that his government may see the facts hereafter correctly, I take the liberty to submit to your consideration, as the commanding officer of the United States squadron on this station, the propriety of despatching to Batavia one of the vessels under your orders in time to afford to Mr. Gibson the testimony and aid he requests, and to the Netherlands East India government a silent assurance that the United States watches with sleepless vigilance over the rights of her citizens.

This case is marked by singular peculiarities. I can perceive the probable authority by opposition to decisions by the court below on questions of law to compel a decision upon the question of fact; bu there is in this peculiar danger that the mere dictum of the supreme court will be permitted to control the subordinate tribunal ultimately in the decision of the main fact of the case. Mr. Gibson must have a fair opportunity to be heard, and to establish his innocence, before his guilt is decreed and *the sentence* executed.

I suggest likewise that common humanity demands that some limit should be fixed within which a litigation like this may be terminated. Its existence is destructive of the property arrested, and of the liberty of the party, whose hardship no pecuniary compensation can hereafter adequately atone for, when he shall have been acquitted and discharged.

I am, sir, your obedient servant,

HUMPHREY MARSHALL.

Commodore JOHN AULICK,
Commanding U. S. Squadron East Indies station.

No. 3.

Commodore Aulick to Mr. Marshall.

UNITED STATES STEAM-FRIGATE SUSQUEHANNA,
Blenheim Reach, 25th February, 1853.

SIR: I have the honor to acknowledge the receipt of your communication dated Macao, 22d February, in reference to the detention of Mr. Walter M. Gibson, an American citizen, in the prison of Batavia, by the authorities of the Netherlands India government, on a charge of high treason.

Having, in consequence of bad health, and in conformity with the advice of the medical officers of the squadron, and others, residents on this station, well acquainted with the nature of the climate and its diseases, determined to *withdraw from the* command of the squadron and return *to the United States by the steamer* of the 11th proximo, and being so

much occupied with the necessary preparations to transfer the affairs of the squadron to the senior officer (Commander Kelly) left in charge, I regret that it will not be in my power to answer your communication in detail, and more to my own satisfaction. I, however, enclose herewith a copy of the first communication I received from Mr. Gibson stating his condition, and asking my aid; also my answer to the same, giving my reasons for not being able at that time to comply with his request. I enclose, also, a copy of a letter to Mr. Cramerus, acting United States consul at Batavia, a copy of which was also enclosed to Mr. Gibson. You will find enclosed, also, a copy of the paper signed by Mr. Gibson, and upon which the accusation of treasonable intentions is based; and a letter from his mate, Graham, and a letter from Mr. Cramerus, enclosing the one from Mr. Gibson.

Subsequent to this, the St. Mary's arrived from California on her way to the United States, and I gladly availed myself of this opportunity, and directed Commander Magruder to visit Batavia, thoroughly investigate the matter, make himself fully acquainted with its details, and afford any aid and assistance in his power to Mr. Gibson, and to report to me and the Navy Department the result.

I enclose herewith a copy of the report of Commander Magruder, containing his correspondence with the governor-general, and all the information he was able to obtain on the subject. I have since received a lengthy communication from Mr. Gibson, dated 26th September, and another, dated 28th November, 1852, which I enclose also.

Since writing the above, I have found a package of letters and copies of letters from Mr. Gibson to Mr. Shaw, United States consul at Singapore, and from the latter gentleman to me, which though not confined to Mr. Gibson's case entirely, throw considerable light upon the subject; and believing their perusal may be acceptable to you, they are forwarded herewith.

These papers will put you in possession of all the reliable information I have on the subject. Not having retained copies of them, I must request the favor of you to return them to me previous to my departure on the 11th proximo. But if this cannot be conveniently done, be pleased to enclose them to Commander Kelly, through H. Anthon, jr., esq., United States consul at Hong Kong. At all events, the last mentioned package, which contains much matter of a private character, be pleased to return previous to my departure.

I have referred to the case of Mr. Gibson in several of my despatches to the department, and have forwarded most of the letters on that subject to the Secretary of the Navy, with a view to our government's bringing the matter before that of the Netherlands.

Your communication will be left with my successor in command on the station, who, I doubt not, will do all in his power to comply with the suggestions contained therein.

I am, sir, very respectfully, your obedient servant,

J. H. AULICK,

Commanding U. S. naval forces, East India and China seas.

Hon. HUMPHREY MARSHALL,

United States Commissioner to China.

No. 4.

MACAO, *March* 2, 1853.

SIR: Your reply to my note of the 22d ultimo was received last evening.

Your suggestion that my note will be referred to your successor in the command of the squadron, must have been designed as a declension to act in the case in accordance with the prayer of Mr. Gibson, because his trial will have occurred before your successor shall be installed.

It remains for me, therefore, only to return to you the papers enclosed for my perusal, (most of which I have seen heretofore,) and to subscribe myself your obedient servant,

HUMPHREY MARSHALL.

Commodore J. H. AULICK,
Commanding U. S. naval forces East India and China seas,
Victoria harbor, Hong Kong.

[Official—No. 8.] LEGATION OF UNITED STATES, MACAO,
March 7, 1853.

SIR: I enclose a circular addressed by me to the consuls of the United States in China, announcing the reception of the official intelligence of the death of Hon. Daniel Webster, late Secretary of State of the United States of America. A knowledge of this deplorable event was long since brought home to every American in China through the columns of the American and British press. Notwithstanding, I deemed it proper that an official annunciation of it should appear in the archives of this legation and of every consulate.

I have the honor to be, sir, your obedient servant,

HUMPHREY MARSHALL.

Hon. EDWARD EVERETT,
Secretary of State, Washington city, D. C.

CIRCULAR.

LEGATION OF THE UNITED STATES, CANTON,
February 22, 1853.

Official information has reached this legation of the death of the Hon. Daniel Webster, late the Secretary of State of the United States.

Intelligence of this deplorable event, by which the United States have been deprived of a consummate statesman and an ardent patriot, has been already received by the citizens of the United States, in all quarters of the earth, with the most profound sensibility.

To manifest the respect which is due to the memory of the deceased, the members of the legation of the United States in China will wear the usual badge of mourning for thirty days from this date.

The consuls of the United States in China will display the flag of the United States at half-mast on the day of receiving this circular.

HUMPHREY MARSHALL,
Commissioner U. S. A.

[Official—No. 9.] LEGATION OF UNITED STATES, MACAO,
March 8, 1853.

SIR: I transmit, enclosed, a circular (A) addressed by me, on the 3d inst., to the several consuls and acting consuls of the United States in China. The information it requires is absolutely necessary to an intelligent exercise of my official functions. When I shall have systematized the same as derived from the replies, I will submit the result to your consideration. I shall follow up this by such requisition for quarterly reports from the consulates to this legation, as will insure the performance, by those officers, of the various duties required of them by the act of Congress of 1848, or will enable me to suggest the proper corrective for repeated failure or incapacity.

The Department of State has long since been placed in possession of the facts which are said to exist at Fuhchow, one of the five ports, whereby it appears that some citizens of the United States, who reside in Fuhchow for missionary purposes, have been deprived of the enjoyment of a leasehold for which they paid in advance to the proprietor. The difficulties which were to be apprehended in executing the seventeenth article of the treaty, because of the presence of the words "having due regard to the feelings of the people in the location thereof," were suggested by my predecessor, Hon. A. H. Everett, when the case of Dr. Brigman was under discussion. But it did not occur to him that the toleration of one abuse of the treaty, by submission, would so soon lead to more extended demands by the Chinese. They now attempt so to construe the treaty, that the objection of a *single person in the community* will prevent the local authorities of the two countries from determining the site for a building for the accommodation of a foreigner. Such a construction must defeat the operation of the seventeenth clause altogether, since there never will be wanting some one to object. In my opinion, it will be wise to *enforce* the *fair* interpretation of the treaty, and to make the Fuhchow case decisive of the question, whether we mean to hold that *clause* inviolate, or give it up altogether. My reply (B) to the last appeal of the Rev. D. Maclay (who remains in charge of the Methodist Episcopal mission at Fuhchow) is now transmitted to the department.

There is not another movement among nations, at the present moment, so replete with interest to the United States as the policy of foreign powers connected with the Chinese emigration that has just commenced. I am reliably informed that two thousand active, able-bodied, healthy men, have been shipped this year from China to Sidney; large numbers to Demerara; more than four thousand heretofore to Peru; and that arrangements are made to conduct this emigration to the British West Indies hereafter, on a most extensive scale, under the immediate auspices of the British government. Should that power seriously undertake to populate her West India possessions and her colonies on the coast of South America with Chinese laborers, who have no idea, however, of the right of popular participation in the direction of government, the effect to be produced upon the industrial interests of the planting States of the United States, and upon the institutions of the republics of South America, must necessarily be most disastrous to them.

have been enabled to obtain a handbill printed or written in the nese language, and extensively circulated through the southern part China, exhibiting the inducements to the Chinese to emigrate, and terms on which such emigration will be conducted. I send here-h a translation of that paper into the English language, (marked C;) , forms of the contract into which the Chinese are made to enter, n in the English agency and that for Peru, marked D and E.

Shekut is no other than one Mr. Scott, who, I have reason to believe, ls an appointment, direct from the home government in London, as perintendent of the Chinese emigration." It may be possible that funds are furnished through a banker, but I am satisfied that he rates by the credit of the government. The subjugation and op-ssion of British India has been effected by the East India Company; population of the whole valley of the Amazon may be attempted ough a similar instrumentality; but in both cases the results inure he government at St. James.

There are many points of view from which a mere glance at the ts connected with this emigration will exhibit the deep interest with ich its progress will be watched by an enlightened American admin-ation:

1st. The emigrants undergo an examination by a medical inspector, o accepts only such as are in the vigor of life, free from disease, lthy, well-formed, and able. This fact indicates the *physique* of the inese emigrants.

2d. They are agriculturists, acclimated to the tropics, accustomed hard labor and exposure, and especially versed in the culture of ar, cotton, and rice.

3d. They belong to a class which, as connected with the country it proposed to occupy, may be said to be exhaustless, since there are y millions of people alone in the Siang Kiang, and nearly as many each vice-royalty of this empire.

4th. The *terms* for which they engage, and the rates of their wages, h the estimated cost of subsistence and clothing, prove that the ex-iment is designed to be seriously made, and when made, that it must ress the entire planting interest of the United States. The total t of the Chinese laborer is estimated at eighty dollars per annum, ich is far below the cost of slave labor, independent of the risk which planter runs in his original investment. The Chinaman lives on rice ncipally, and that staple will be produced at mere nominal rates in country to which he is emigrating. He is patient of labor, tractable, dient as a slave, and frugal. When he shall occupy a leasehold on ich to exert the energy and skill he possesses, he will compel from earth the maximum production of which it is capable, and, under atever circumstances, will create a competition against which it must difficult to struggle.

5th. The geographical position of Demerara gives to a strong British ony there the command of the Amazon valley, and of the entrance into Caribbean sea, besides all the trade from the south with the Wind-rd islands.

I will not elaborate the views which these suggestions develope as urring to my own mind; but I shall be glad to know if the President

deems any step to prevent the use of American shipping in the furtherance of this emigration proper and politic. It is against the law of China for the citizen to depart the realm, and none do leave except by the connivance of officials, who corruptly receive bribes to suffer them to pass. If the President should desire to manifest the disinclination of the United States to the progress of this emigration, an order to the American consuls to refuse clearance to any ship under American papers and colors, carrying coolies from China, would at once confine the trade to the shipping of other nations, and might, possibly, induce Great Britain to halt in this scheme so at war with an established principle of American policy.

I would attract your attention to the fact that there is not in this legation a single volume of the State Papers, or of the journals of the convention, or of the debates of Congress, or of the diplomatic correspondence of the United States. Dr. Parker says none have ever been here within his knowledge. I earnestly request that you will cause the *full set* to be made out, and forwarded to my address at Canton, so as to afford the legation the benefit, not only of reference, *but of reading*.

I have made sedulous inquiry in Canton for a residence, but none can be obtained. I have tried to rent a suite of rooms without success. The entire foreign population is *compressed* into the small space about the foreigners' gardens; and they who are engaged in mercantile business occupy and forestall the houses to be let—all of which are connected with stores.

This compression is the result of the refusal of the Chinese authorities to open the city gates to foreigners, and of the avowed disinclination of the people to permit the settlement of foreigners among them. Houses rent at Canton variously from $2,000 to $3,000 per annum, which, adding 25 per cent. for exchanges against London, shows the impracticability of obtaining a suitable establishment for the officials of the United States, unless they shall be *authorized* to rent, as do the ministers at London and Paris. The British government has an official residence for the superintendent of trade, which is *owned* by the government. I respectfully suggest, that an outlay of $15,000 will procure a good establishment at Canton for the American officials, which can be disposed of without loss at any time. My predecessors in the office of Commissioner have generally resided at Macao, where rents are cheap, or have lived with some mercantile friends at Canton. I submit to you, sir, that neither course is proper. At Macao a residence is agreeable; but the presence of the minister and an official establishment are not without their due influence on the minds of the Chinese, who, above all else, rely on forms and etiquette.

If the President would expressly authorize me to select my residence at any of the free ports, I might find Shanghai preferable to Canton, if it should be feasible to communicate thence conveniently with the imperial commissioner. I have, personally, no preference, and my suggestions merely embrace the idea of referring the question of his residence to the Commissioner as one which *he* can best determine from the circumstances and interests which surround him here. In any event, however, there is more propriety in allowing him rent for his office here than at any foreign court where the United States maintains a minister.

I cannot close this communication without calling your attention to the many points referred by the acting chargé *ad interim* to the department for definite instructions thereon, and to the silence which was preserved by your predecessor. The case of the Robert Bowne involves one most important principle. It seems, from the discussion of that case, that the acting imperial commissioner declined to hear the testimony of six American seamen in a Chinese yamun, (court,) and, notwithstanding the representation of their materiality by the acting chargé of the United States, did refuse to pronounce the guilt of pirates upon their testimony. A partial remedy for this evil may be found in an act investing the Commissioner of the United States with judicial powers to hear and determine cases of piracy occurring on the high seas. The laws now invest him with judicial powers as a court of last resort in cases of insurrection and murder, (see act 1848;) and surely, if he can be intrusted with the ultimate determination of a cause involving the life of an American citizen, in any event, he may well be invested with power to render judgment on a verdict by a jury in a case of piracy on the high seas. Such trial might be conducted on board of an American man-of-war, and would at once economize means and insure speedy justice. But the proposed jurisdiction does not affect the principle adopted by the Chinese tribunal in cases of piracy committed within the dominions of China. These, by the treaty, are cognizable by the Chinese judicial tribunals. It may well happen that an American citizen would be the person assailed, and the only witness of the crime. To determine not to hear his testimony on the ground of *incompetency*, when unassailed as to its credibility, is the adoption of a principle to which the United States cannot, in justice to her own citizens, longer submit. I am prepared to discuss it whenever you shall indicate the propriety of an official communication by me to the imperial commissioner in regard to it, and I would do so at any rate but for the peculiar *status* of the question. I enclose herewith (marked F) a schedule of the consular establishment of Great Britain in China, by which you will perceive that an interpreter and Chinese writer are attached to each of the British consulates. The difficulty of acquiring a thorough knowledge of the written characters of the Chinese language is such, that unless the government of the United States will adopt means to supply to their public service in China competent interpreters, it may find the correspondence with the imperial commissioner closed by any accident affecting the interpreter now employed. Great Britain and France, with creditable forecast, employ a number of persons attached to their consulates with the purpose of acquiring the Chinese language; for a command of the language of a country is an essential prerequisite to the acquisition of influence over the mind or policy of the people. With an ardent desire that the United States may be prepared for that struggle which they must make hereafter with Great Britain for the commerce of eastern Asia, I have taken the liberty to submit the exhibit (F) to your consideration, under the hope that some means may be devised to place the public on a proper footing in this particular. Something may be done under the power given to the

Commissioner by the act of 1848 by well-devised regulations here, but more by the assistance of the executive department at home. The American consulates in China are grossly deficient in the means of acquiring information and in communicating it to the Chinese in the language of the latter; while the accomplishment in this particular of the British consulates will, by degrees, enable the officers of that power to exercise a controlling influence over the determination of questions which your corps of consuls will not understand. I shall be gratified to have your views, sir, as to the probability of the executive department lending assistance to the Commissioner in carrying out regulations by which an interpreter may be employed at each of the American consulates in China.

I am, sir, your most obedient servant,

HUMPHREY MARSHALL.

To Hon. SECRETARY OF STATE OF U. S. A.,
Washington city.

A.

Circular.

MACAO, *March* 3, 1853.

1. SIR: It is desired to have an official statement from your office of the amount of American trade (United States) with the port for which you are consul; distinguishing, year by year, the number of vessels entered and the number cleared, their tonnage, the duties paid to the Chinese government annually, (stated in dollars,) and any other fact within your knowledge which will place me in possession of distinct and precise information as to the progress of trade between the United States and China at the port where your official functions are exercised.

2. Commence this statement, if you please, with 1844. You will render an account, also, of the receipts and expenditures of your consular judicial court of proceedings; stating the number of cases you have decided, the amounts claimed, the amounts adjudged, and the punishments you have inflicted upon any American citizen or citizens under your criminal jurisdiction, commencing with your appointment to office.

3. You will oblige me by furnishing as accurate a statement as you can of the Chinese emigration from your port or its vicinity; distinguishing therein—1st. The provinces whence the emigrants came 2d. The nation to which the vessel belonged on which they embarked. 3d. Their destination. 4th. Whether they emigrated under a contract to labor for a term of years, or as passengers seeking the destination for pleasure, or in pursuit of business on their own account. If under contract, if you can, state the party and furnish me a form of the agreement. 5th. The total number emigrating each year since 1849.

4. You will also please to forward to me copies of the annual statements you have made of the vessels cleared and entered, and of their

cargoes, &c., as required by the treaty, for the inspection of the imperial board of revenue.

Very respectfully, your obedient servant,

HUMPHREY MARSHALL,
Commissioner of U. S. America.

To ———, Esq.,
Consul of the U. S., port of ———, *China.*

B.

Mr. Marshall to Rev. D. Maclay.

MACAO, *February* 25, 1853.

SIR: I now acknowledge the receipt of your letter to the acting chargé des affaires *ad interim*, dated in December last, in which were enclosed certain bills of particulars exhibiting the damages sustained by the American citizens in whose behalf you act, by reason of the interference of the local authorities at Fuhchow to prevent their enjoyment of a leasehold which they have acquired in the Olive orchard near Fuhchow.

Your communication would have been acknowledged at an earlier day than this, but I desired to accompany my reply with a statement of a satisfactory settlement of that affair with his excellency the Chinese imperial commissioner, to whom it has been my purpose to represent the necessity of an immediate disposition of it.

My failure to communicate with that officer at Canton, and circumstances beyond my control, which thus far have prevented my progress to the north, admonish me of the propriety of informing you, without further delay, that your interests are not forgotten, and will not, *ultimately*, be sacrificed by the government of the United States.

The protection of the rights and vindication from oppression and injustice, from whatever quarter, of all citizens of the United States in China, is regarded as my paramount obligation to the government I represent. So far as my official power extends, and my duty permits, the citizens of the United States in China may confidently rely upon a timely exertion of them, in good faith and with becoming energy, *for their protection and the security of all their rights and privileges.*

I am, sir, your obedient servant,

HUMPHREY MARSHALL.

Rev. D. MACLAY,
Fuhchow, China.

C.

Translated from the Chinese language.

There being *at present* a scarcity of labor in the British West Indies *islands for the purposes of* planting the sugar-cane and making sugar,

cotton, coffee, and other products of that country, it is now desirable that strong, healthy Chinese, practised in farming, should go to that country to work.

The climate of that country resembles Senchowfoo; there is no cold there, as in China.

The implements of work are very similar to those used in China for the cultivation of the sugar-cane, paddy, and rice.

It is true that the distance to that country is very great, but still, when everything is prepared for the voyage, it can be performed with ease and comfort by all men.

After their arrival at port, and becoming acquainted with that country, every one will be satisfied; in their hearts they will rejoice the same as if they were in their own towns and villages. The customs and usages of the Chinese will not be interfered with nor interrupted.

If the workmen who go should desire to send letters to their fathers or mothers, brothers or relations, it can be done twice every month. Should they have any remittances in money to make, they can do so safely either two or three times a year.

It is important that, at the start, they should become parties to an agreement wherein they will stipulate to work in this country for five years. After arriving at the port, and when the work of one year or one year and a half shall have been done, if they should be desirous of not fulfilling the term for five years, they can then be released from their agreement, and they will be permitted to lease land on which to dwell as their own masters. In such a case, however, they would be required to pay a small tax or ground-rent to the proprietor of the land.

Moreover, if before the expiration of one year the parties to the contract should conclude not to fulfil their articles of agreement, then they will be required to return some of the ship money, (paid for passage,) as may be fixed upon.

All who consent to the agreement will be paid two months' wages in *advance*, and will receive two suits of clothes—one suit of which will be of cotton cloth—two pairs of stockings, two pairs of shoes, one foreign blanket, one hat, (rain,) and one hat, (summer.) These things will be given to the men, and they will not be required to pay for them. But after the arrival at the port, the two months' wages which have been advanced will be deducted from the wages of succeeding months, at the rate of one dollar per month, until the sum advanced shall be repaid. Each workman will be paid, after his arrival, at the rate of four dollars a month *in advance;* and there will be given to him, free of charge, two suits of clothing each year, and medical attendance, if required. We now proceed to explain and make plain the allowance of food each week: of white rice or flour, 10½ pounds; of beef, pork, or salt fish, 4 pounds; of sugar, 1 pound; of tea, two and a half teels, about one ounce in weight. They who wish to furnish their own provisions will be allowed the sum of two dollars a month.

There will also be set aside one *mon* of land, where they may cultivate their own vegetables.

On Sundays, if there is no important work to be done, they will not be required to work; but if at such times it is important that they should work, *extra pay* will be given.

Should any person wish to take with him his wife and children, free passages will be granted to them; and, in addition to the aforesaid wages, each person will be allowed a small extra pay; and if on their arrival at the port the wife and children are able to work, they shall be paid for their services.

All those persons who agree to the aforesaid conditions and break the agreement, whereby injury shall be received, will be judged by the law of that country. Therefore, it is necessary to understand the agreement, and to comply with it. As words are not binding, articles of agreement must be entered into, which will stand as proof of the contract.

On board of every vessel carrying these workmen there will be an interpreter, who will accompany them to the port, and will remain with them one or two years after their arrival to act as interpreter for them, to explain their wishes, and to explain to them the laws of that land in which they go to live.

Finally, all Chinese who wish to go to that port to work may come to *Shekut*, in the great street, and consult face to face.

HEENFANG, — *year*, — *moon*, — *day*. (*A. D.* 185–.)

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D.

This agreement, made between ———, of the district of ———, in China, and the agent in behalf of the English colony ———, comprising the following conditions:

———, of his own free will, engages to go by the ship ———, commanded by Captain ———, to ———. On arrival, he will be informed of all the rules and regulations of the place; and the agent or the superintendent of the workmen there will provide him with an employer, with whom he will enter into an agreement to work for five years from the date of the arrival of the ship, either in serving and planting in a menial capacity; or in weeding, hoeing, or in planting sugar-cane; or as a shepherd; or in digging ditches or grounds, building walls, and fences, and foundations—in short, every description of servile labor. The daily labor required will be comprised between the hours of half-after four and nine; and it is expected that work will be done submissively, diligently, and without needless interruption. Moreover, he will not be permitted to do any work or job secretly for himself, or for any other person; nor will he be allowed without cause to leave his work.

From the monthly wages as agreed upon there will be deducted one dollar, in order to make up the advance already received, until it shall have been entirely repaid.

It is moreover conditioned, that on board the ship which carries him to his destination he will be supplied with food during the whole passage. On arrival, the superintendent or agent, as already expressed, will make choice of and fix the labor suitable to be followed, and which shall be paid for each English month at the rate of four Spanish dollars; and each year there will be given two suits of clothes, com-

prising two cotton jackets and trowsers, one bamboo hat, one felt hat, one felt coverlid; and, in case of falling ill, he will be furnished with medicines.

The supply of food will also be abundant. Each seven days there will be furnished to him ten pounds of rice, three and a half pounds of either beef, pork, or fish, one pound of sugar, three teels of tea; but if ——— should prefer not to take this allowance of food, he will be paid, in lieu of it, two dollars. He will also be granted a piece of land, which he may cultivate as he likes. On Sundays no work is to be done, except in case of necessity, and the twenty-four cents additional pay will be given.

Further, if on arrival ——— should reject his contract and not care to fulfil it, at his own convenience he can have one month's notice in which to make it known; and in such a case he will be required to repay the expense incurred in passage-money, cost of sending him to the port, for which one year will be allowed to him.

F.

List of the establishment of Chinese interpreters, Europeans and natives, employed by the British government in China.

Superintendency of Trade.

	Per annum.
W. H. Medhurst, esq., Chinese secretary	£1,000 00
W. C. Morrison, esq., assistant secretary	400 00
T. Wade, esq., second assistant secretary	400 00
Four Chinese writers	187 10

Canton consulate.

H. S. Parker, esq , interpreter	700 00
Three Chinese writers	150 00

Amoy consulate.

C. A. Sinclair, esq., interpreter	500 00
Two Chinese writers	100 00

Foochowfoo consulate.

J. A. T. Meadows, esq., interpreter	500 00
One Chinese writer	40 00

Ningpoo consulate.

J. A. T. Meadows, esq., interpreter	500 00
One Chinese writer	40 00

Shanghai consulate.

T. T. Meadows, esq., interpreter	£800 00
Three Chinese writers	170 00

FREDERICK HARVEY.

SUPERINTENDENCY OF TRADE,
Hong Kong, January 24, 1853.

Mr. Marshall to the Secretary of State.

[Official—No. 10.] MACOA, *March* 19, 1853.

SIR: Since the transmission of my last despatch, I have received a letter, with accompanying papers, from Mr. W. M. Gibson, the American prisoner at Batavia, which I forward herewith (A and B) for your consideration. His trial having occurred, I have not addressed the successor of Commodore Aulick upon the subject of despatching a man-of-war to Batavia; for, should an appeal be taken from the judgment of the inferior court in his case, the President will have had a full opportunity to determine the course of action of the United States before the appeal will be finally passed upon by the supreme court of Java.

I submit the correspondence between Commander Kelly and myself, (C and D,) by which you will perceive that I am on the eve of my departure for the ancient capital of Nankin, situated on the Yangtze Kiang, one hundred and fifty miles above Shanghai, and that I may be making a regular approach to the imperial city of Pekin. Should I be as unsuccessful in obtaining an interview at Nankin with the governor-general of the Siang Kiang as I was in seeking the imperial commissioner at Canton, nothing will remain but to proceed to Tien Tsin, near the mouth of the Peiho, and to demand an audience directly at Pekin. I shall not be surprised to find at Nankin a *second Emperor installed*, in the person of Teentih, the rebel chief, as it has been rumored that he designed to assume the diadem on the capture of the "southern capital." If the city of Nankin has not fallen, then I shall at least have an opportunity for a close reconnoissance of the contending armies, and to acquire something like reliable information as to the character, purposes, and prospects of the "rebellion."

It is of course a matter of interest to all western nations to understand what changes, if any, of national policy and conduct on the part of the Chinese may be expected from a disruption of the present empire and the installation of a new dynasty. Such information cannot be acquired at this distance from the theatre of the war. Indeed, *here* one can no more understand how to extract advantages from the character of passing events in China than if he were in London or Washington. It is my purpose to urge upon the imperial government the immediate settlement of such claims of American citizens as are liquidated, but unpaid, and the rectification of such abuses of the rights of the citizens of the United States as have heretofore given occasion for

formal complaint. It is a mockery to keep the representatives of Great Britain, France, and the United States, dancing attendance at Canton, in order to transact business with an imperial commissioner, when years are permitted to elapse, during which time no such public functionary visits Canton to receive their communication or to confer with them on public affairs.

Sen, who was imperial commissioner, was ordered to the army in Kwang Se two years since, and, without returning to Canton, has been disgraced, by imperial decree, on account of his failure to suppress the rebellion. Yéé, acting commissioner, was also ordered to the northern part of Kwang Tang province, and has been for a year or more absent. He is *now* promoted to the governor generalship of the Siang Kwang, vice Sen, disgraced; but being with a command in the army, it is more than probable *he* will be disgraced in turn before he returns to Canton. In the present condition of China, foreign affairs scarcely receive a passing notice from these officials; and the public functionaries of the Christian western nations are sometimes told "there is no leisure" to attend to them, even by the acting governor-general of a province. If the channels of communication established by the treaty are closed, despite the efforts of the imperial authority at Pekin, all violations of treaty stipulations to remain unredressed, or reclamations to be indefinitely postponed, rather than to urge upon the imperial chief the propriety of admitting to the seat of his government the accredited organs of those powers with which he has made treaties, in order that their grievances may be heard and remedied.

The present state of the provinces, and the continued success of the "rebels," place the Emperor in a position in which, if ever, he may be expected to treat the functionaries of other governments with increased and becoming consideration. At all events, so far as an effort of mine may tend to establish the intercourse between the United States and China upon a basis approaching more nearly an acknowledgment of equality between the two governments than has heretofore been allowed, it shall be honestly made, and at *whatever moment of time shall seem most likely to crown it with success.*

I am entirely satisfied that the imperial seclusion in which his Celestial Majesty has heretofore been shrouded, is the result of artful management upon the part of that class commonly called mandarins, who hold the governments of the provinces—the collection of duties, taxes, and revenue, by whatever means raised, the administration of justice—and who grow rich by exactions from the masses, or by a corrupt connivance at violations of the law. When this class prove themselves impotent to defend their provinces, and to preserve peace within the realm, it is by no means impossible that his Majesty may awaken from the delusion which has led him to suppose his throne superior to other governments of the world. Then, timely and properly pressed, he may extend voluntarily to other powers that courtesy which has been heretofore denied. The letter of the acting consul at Shanghai (E) to me, and the extracts from communications from very intelligent American merchants at Canton and Hong Kong, (F,) will prove to you the easiest approach of a crisis in the fortunes of the reigning dynasty. *The war threatens* Senchow and Shanghai to such degree, that her

Britannic Majesty's minister, Sir George Bonham, governor of the colony of Hong Kong, has been applied to by the British consul at Shanghai for the presence of additional men-of-war to protect the foreign factories at Shanghai; and that officer, with his secretary, interpreter, &c., at once departed in the Hermes, having the Lilly sloop-of-war in tow. His promptness in action affords a first-rate exemplification of the propriety of my recommendation in an earlier despatch, viz: to have two or three small steamers on this station, and subject to the orders of the Commissioner. Though Commander Kelly promptly placed the Susquehanna at my disposal, you will perceive that, *when wanted*, she has first to be caulked to fit her for the voyage; and that, consequently, the British minister hearing from Shanghai by the same mail that brought my advices from the American consul, departs with his force immediately, and will have arrived from Shanghai some time before I can be in readiness to start.

I shall write you more at large on the condition of this country (which is certainly most convulsed by internal war) after I shall have visited Nankin.

I am, sir, your obedient servant,

HUMPHREY MARSHALL.

The Hon. SECRETARY OF STATE.

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A.

PRISON OF WELTEVREDEN, BATAVIA,
February 25, 1853.

SIR: Presuming that you have received my communication of the 28th ultimo, along with various documents relative to my case, as also a subsequent letter per Chusan, I now desire to inform you that my trial has taken place before the court of justice of Batavia, having occupied a period of ten days, commencing on the 14th, and terminating on the 23d of this month—that is to say, the session only has taken up this time, as the court has taken eight more days for deliberation, and will announce their verdict on the 2d proximo.

Every resource that the government could bring to bear in the case has been brought forward with marvellous pertinacity; and although, as I have said in a previous letter, there is little doubt about my receiving a verdict of acquittal from the local court of Batavia, there seems also as little doubt but that exceptions will again be taken by the procureur-general, and that I shall ultimately be condemned by the high court of Netherlands India.

The requisition of the attorney general for my punishment in behalf of government is, "to stand in the pillory or under the gallows with a halter round my neck for one hour, to undergo twelve years of hard labor, to pay the costs of the process, (about 42,000 florins,) to be proclaimed infamous, and afterwards perpetually banished from Netherlands India;" and this for the sole act of the Malay letter, which, if even fully proven to have been knowingly dictated and sent by me, is a thing of itself *so absurd, that there* must be other motives than a desire for

justice and a preservation of the public peace, to cause such a virulent prosecution against me on the simple foundation of the letter to the Sultan of Jambee.

I send you herewith a copy of the Malay letter in the original Arabic character; then a copy in European character, with the Dutch orthography; and besides, a copy with the English orthography of the Malay words, along with a verbatim translation into English. You will perceive several points of difference between the original and the English version of it given to Captain Magruder as being a correct translation, which differences I have noted on the interlined copy.

Now, this letter is the whole "head and front of my offending," and t is by no means proven that I did or could have dictated it; but, on the contrary, it is fully established that I was absent at a wedding feast during the whole time of its concoction. I cannot now enter into any detail of all the collateral points of the case having reference to my conduct and disposition towards this government, but simply wish to assure you that I hope for nothing else in this world so much, at present, as that the authorities of my country may examine into every particle of evidence in the case, which I am sure will baffle the belief of Americans that so much absurdity and injustice should emanate from an enlightened Dutch government. But the whole affair originated in the personal feelings of the principal officials at Palembang; they and the Malay policemen have been the only witnesses for the prosecution in this case of their own creation. There is no longer a shadow of doubt about the resident and other functionaries at Palembang being aware of the occurrence before it took place; and they have been denounced, in the most energetic terms, by my advocates for their miserable espionage. F. Alting Mees, esq., and G. Matthiessen, esq., my advocates, have certainly defended the case with an ability and eloquence that, it is said, surpassed all previous forensic displays in the East Indies. The 22d of February (which, by the by, was happily alluded to by my counsel as being Washington's birthday) will long be remembered as an epoch in Batavia. The court was crowded with the *élite* of the city; the government had brought forward its best lawyer and orator, who certainly handled his part with consummate ability; but Mr. Mees displayed an ability as a jurist which would entitle him to a first rank in the legal profession either in America or in Europe; whilst, as a brilliant orator, I would venture to compare Mr. Matthiessen with some of our most distinguished lawyers or statesmen. I make particular mention of these gentlemen, especially of Mr. Mees, from the fact of his having carried on my defence *regardless of pay*. He was assured by the American commercial agent here, when he commenced, that he, the consul, would be responsible for his indemnification; but latterly, it having been signified to Mr. Mees that he must look to his client for his compensation, he has, notwithstanding, prosecuted my defence with even additional ardor, and defended me in a most noble manner, not only as a client, but even as a personal friend, having put himself to many extra expenses and inconveniences in getting witnesses, developing facts, making copies, translations, &c., of documents. *I hope to* reward him when a free man; but I hope, also, at some future

day, he may deserve the notice of the United States government or its functionaries in the East Indies.

I repeat again my previous desire and hope, that some United States vessel or officer may be permitted to come to Batavia to inquire thoroughly into my case. As there were native chiefs, and other natives of note, from the principal portion of the Archipelago present at the trial, I may safely say now, that the greater part of the commercial portion of the native population of these eastern islands is now on the *qui vive* to see what America will do in this case.

The deliberation of the high court I shall endeavor to have put off until I have the honor of hearing from you. Mr. Mees will, in this view, postpone somewhat his memorial of defence before the high court. This secret investigation of a higher tribunal is a most arbitrary feature in the Dutch laws. The public acquittal of a court of justice signifies nothing, because it may be followed by the severest possible condemnation without any additional process in the case.

Ten days, and about ten hours each day, of incessant excitement, have somewhat prostrated me, and I cannot furnish you with that detail of proceedings which I should wished to have done.

I conclude by asking your aid, as the chief United States functionary in the East Indies, to assist me with whatever counsel and influence at your command, conjointly with the United States commodore in China, and to urge my case upon the attention of the home government.

Yours, truly,

WALTER M. GIBSON.

Hon. HUMPHREY MARSHALL,
U. S. Commissioner to China, &c., &c.

B.

Kaulhak.

Adab alhomet taa-olim dan takriem jang di passertaken hormat dan slamat bebrapa tabik bekitoe banjak ia ietoe dari pada saija toean Kapten Walter jang mempoenjai kradjaän di dalam tanah Merikan barang di sampeiken toe han sroe sekalian alam djoea kiera-nja sampei kahadapan mandjelies toean Sulthan jang koewasah merintah di dalam negri djambie ada-nja. Sjhdan maka adalah saija menjataken dengan songkoenja darie saija poenja opersil satoe tiega taman-nja mengadap toean Sulthan karanah saija mango baik baik bersahbat sama toean Sulthan sekarang bolch saija toeloeng apa apa soeka toean Sulthan karanah goebvermenti Merikan tidak koerang darie obat piloer mariam senapang lelah bolch saija toeloeng bikin betoela samoea-nja orang melaijoe karanah saija tidak foeka samoeanja orang wilanda bolch toeam Sulthan bikin tetap tetap samoeanja orang melaijoe bolch toean Sulthan sama saija djadie satoe darie saija handak tahoe djalan darie djambie sampoi di Palembang bebrapa lama nja bolch saija toeloeng bikin bagoes saija soeka samoenja orang melaijoe bagimana atoeran jang dehoelo dehoeloe saija satoe boelan bolch sampei di kioalah djambie inie saija *poenja osil bolch toean* Sulthan moepakat bagimana jang

bagoes karanah goebvermenti Merikan tidak koerang darie kapal apie dankapal prang samoea-nja banjak ajangan toean Sulthan Joesah Joesah Samoea-nja hoeloean djambie dan hoeloean Palembang handak saija toeloeng bika bagoes samoea-nja djika bolch samoea-nja orang wilanda djangan sekalie kalie mango bikin habis samoea-nja nantie jedikit harie saija sampei bolch saija ambil inie meegrei dimikianlah ada-nja.

Saija kirim tabik banjak banjak samatoean Sulthan samoea-nja opsil opsil toean Sulthan.

(Bertandatangan.) WALTER BIN GIBSON.
WALTER ANAK GIPSON,
Commandante schooner American Flirt,
Komandante schoenjir prang Merikan Flirt.

DI PALEMBANG, *pada* 4 *harie boclan February*, 1852.

Voor censluidendafschrift.

W. F. G. POOL,
De Translatemvor de Maleische taal te Batavia.

—

CONSULATE OF THE UNITED STATES OF NORTH AMERICA.

I, the undersigned acting consul for the United States of America, do hereby declare that the annexed signature of W. F. Pool, Malay translator for this city, is, in my opinion, just and true, and deserving full faith and credit.

In witness whereof, I have hereunto set my hand, and affixed the seal of my office, at Batavia, this the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and fifty-three.

[SEAL.]

E. W. CRAMERUS,
Acting Consul.

—

(1.) This preliminary word was omitted in the version given to Captain Magruder.

(2.) This string of salutations and obeisances, down to the word "ada-nia," is peculiarly Sumatran, and could only have originated with a person well versed in addresses to Malay princes.

(3.) The name "Walter" *alone* differs from the copy given to Captain M., and this trifle happens to be one of the strongest proofs in my favor, as it is shown that the Malay

(1.) "Kaulhak" or Kaul'hak, agreement; or, literally, a trusty word, or faithful message.

(2.) Courtesies, honorable obeisance, and reverence, the which is accompanied (with) honor and salutation. Many well wishes, so many. This is from I, (me,) Lord Captain (3) Walter whose own kingdom within land American (is) grant this to arrive. (The) Lord (of) Hosts (of) all (the) world also

Adab, alhormat taa-dleem, dan takreem, yang di pasentakan hormat dan slamat. Bebrapa tabeek bagheetoo banyak. Eea eetoo daree pada sahyah Tuin Kaptin

Walter yang mempoonyaee karadjaan dee dalam tanah Merikan barang de sampeekan. Tochan sooe sekalean alam djooa

:nt (that it) arrive in presence (of) gracious
ranca sampee ka hadap-an mandjelees
rd Sultan, (the) which sway wields
an Sulthan, yang koowasah merintah
:hin country Jambee (it is.) Moreover
dulam negree Iambee adu-nia. Sahadan
v it is I manifest with truth
ka adalat sahyah menyatakan deugan songkoonia.
t my officer one (with) three
-i sahyah poonyas opersil satoo, tiega
nrades (his) come before Lord Sultan for
anya menga dap Tuan Sulthan karana
wish very much make friends with
yah mango baik bersohbat sama
rd Sultan now can I help
an Sulthan sekarang bolch sahyah toolong
atever wishes Lord Sultan because govern-
ı apa sooka Tuan Sulthan karanah goober-
nt American not wants of (4) powder
ıenti Merican tidak koorang dari obat,
ɔt, cannon, muskets, blunderbusses can
or, mareane, senapang, lella bolch
p make in order, all Ma-
long bekin betoollah, samoora nia orang Me-
's; because I (do) not like all
oo; karanah sahyah tidak sookah samooa nia
ɔple Hollanders; can Lord Sultan make
ıng Welander; bolch Tuan Sulthan bekim
ıured all Malays; can Lord
ıp tetap samooania orang Melayoo; bolch Tuan
ltan with me be one, for I
lthan sama sahyah djadee satoo, dari sahyah
ıire to know (the) way (5) from Jambee
ıdak tahoo djalan daree Jambee
Palembang, how long can
ıpee de Palembang, bebrapa lama nia bolch
help make fine I wish
yah toolong bekim bagoos sahyah sooka
Malays so ordered as
ooamia orang Melayoo bagemana atooran yang
nerly I one month (6) can
ooloo dahooloo sahyah satoo boolan bolch
ve at mouth (of) Jambee (this) My
pee de kwalla Jambee eenee. Sahyah poonya
ce can Sultan agree with so
l bolch tuan Sulthan moopakat bugeemana
at (is) fine; for government Ameri-
g bagoos; karanah goobermenti Meri-
ı not lacks of ships fire and ships
ı *teedak koorang daree kappal apee dan kappal*

writer had the words "Captain Walter" in his possession some days before writing the letter, and obtained under circumstances peculiarly suspicious, not only against him, but against certain officials at Palembang.

(4.) There is a word to express arms and ammunition, which any person knowing Malay would have used, and not gone into the puerile detail of "powder, shot," &c.

(5.) This would certainly be an absurdity on my part, after sending my first officer, who would not only bring me back a message, but a narrative of his journey and knowledge of the road.

(6.) This statement of taking a month to reach the mouth of Jambee river, coupled with the statement at conclusion of taking "the empire in a few days," would have staggered the sense of a cooly, much less a sultan.

war of all plenty avoid Lor
perang samooania banyak djangan Tua
anxiety all up country Ja
soosah soosah samooania hoolooan Ja
up country Palembang desire I
hoolooan Palembang haudak sahy
fine all of it. If can all
bagoos samooania. Djeeka bolch samooa
Hollanders avoiding all entirely wi
Welandee, djangan sekali kalee ma
(7) end of all of them; will a few
habees samooania; mautee sedekit ha
arrive, can I take this country.
samhee, bolch sahyah ambil eenee negree.
it is. I send complimen
lah adania. Sahyah keerinu tabiek
many to Sultan all offi
banyak sama Tuan Sulthan samooania
Sultan.
Tuan Sulthan.

(8.) WALTER BIN GIPSON.
WALTER AN (son.) AK G
Comandante schoonier Ameri

(9.) *Komandante skoonyr prang Merik*
At Palembang, on 4th day month. (F
De Palembang, pada 4 haree bulan.
1852.)

WALTER BIN GI

The above is a tolerably faithful f
of the signature.

(7.) "Bekim habees" is literally "to get rid of," but joined to the words "djangan sekali kali," is all nonsense. This letter, by the way, was omitted in the copy given to Captain M.

(8.) The signature has been apparently written with great slowness, "each letter being made separately," as stated by the experts; and they cannot pronounce it as being my handwriting, although similar. I, myself, am now convinced that it is a forgery, and not the one that was hurriedly signed by me, which I signed in my usual manner.

(9.) The word "prang" (war) is a manifest interpolation of the writer in the original.

C.

Mr. Marshall to Commander John Kelly, senior and commanding the United States squadron in the East India and China sea.

MACAO, *March* 15,

SIR: I have now the honor to renew to you the request h
made to Commodore Aulick, that I may be conveyed in th
States ship Susquehanna, or other suitable vessel, to the city
kin, for the purpose of communicating, through the governor
of Siang-Kiang, my letter of credence as Commissioner of th
States to the empire of China.

Should I fail in holding a communication with his excellen
not my purpose to proceed in the Susquehanna further north,
wait such assistance to my further destination as may be
after the arrival and upon consultation with Commodore Perry

a delicacy in making this request, considering the anticipated early arrival of the commodore, and the peculiar service to which the Susquehanna is destined under him; and I should probably await his arrival before making it, but that the appeal of the Chinese authorities at Shanghai to his excellency Sir George Bonham, for assistance and protection, reminds me that a naval force of the United States is wanted immediately in that quarter.

Pending my negotiations, the Susquehanna would be in a position to render assistance to American citizens at Shanghai.

I have the honor to be, very respectfully, sir, your obedient servant,

H. MARSHALL,
Commissioner.

D.

UNITED STATES SHIP PLYMOUTH,
Hong Kong, March 15, 1853.

SIR: Your letter of the 13th was handed me yesterday by Mr. Forbes, in which you state that you have to renew the request heretofore made to Commodore Aulick, for the United States steam-frigate Susquehanna, or other suitable vessel, to convey you to Nankin.

In reply to which, I have the honor to inform you, that I have directed Commander Buchanan to have the Susquehanna in readiness, on or before Sunday next, to perform that duty.

Will you please to inform me whether it would be most convenient for you to embark here or at Macao?

Commander Buchanan informs me that he has neither bed nor bedding on board.

Please inform me the number of persons that will embark with you.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN KELLY
Senior officer, commanding U. S. squadron E. Indies and China seas.

Hon. H. MARSHALL,
Commissioner United States to China, Macao.

E.

Copy of a letter from the United States Vice Consul at Shanghai to Mr. Marshall.

WOOSANG, *March* 3, 1853.

SIR: News has this day been received of such successes of the rebels as renders the occupation of Nankin by them almost a certainty. Emboldened by the disturbed state of affairs, a large party of robbers, canal-men, and other turbulent characters, have approached the city of Chee Kiangfoo, (fifty miles this side of Nankin,) and, as it is not strongly defended, will probable take it by storm and plunder it. This has

created the utmost alarm at Loo Choo, (fifty miles from Shanghai,) and the people have only been prevented from leaving that city by the entreaties of their mandarins.

I mention this news as I gather it from reports of Chinese, many of which are much more exaggerated than the account I have given you. The don—— is generally credited. I understand that her Britannic Majesty's consul writes by this vessel to request a steamship-of-war may be sent up for the protection of his countrymen.

I trust you will excuse this informal mode of addressing you; the news has reached me unexpectedly, and I could not write in season if I waited till I could do so from my office.

With great respect, I remain, sir, your most obedient servant,

EDW'D CUNNINGHAM,
Vice Consul U. S. A.

To his Excellency H. MARSHALL,
United States Commissioner to China, &c.

F.

Extract from a letter of Daniel N. Spooner, esq., (house of Russell & Co.,) to H. Marshall.

CANTON, *March* 13, 1853.

MY DEAR SIR: The enclosed, in Mr. Cunningham's handwriting, I presume tells all the news from Shanghai. Trade there seems to be embarrassed; in fact, the people are all panic-stricken at the news of rebel success. They were within one hundred miles of Nankin, and the imperial troops would make no stand against them. Doubtless the city has fallen ere this.

It is said that Samqua, the taoutae, has applied through the British consul for assistance—say a British steamer to come up from Hong Kong. I do not believe it, though probably the Hermes leaves Hong Kong to-day, with Sir George Bonham on board, for Shanghai. I think it is only to have her present in case the city is attacked. I hope Teen-Tih will be successful, and upset the present dynasty. We cannot be worse off; and he is said to be a liberal man.

G.

Extract from a letter to Mr. Marshall from the United States Vice Consul at Hong Kong.

HONG KONG, *March* 12, 1853.

MY DEAR SIR: The English clipper schooner Jones arrived here a few hours since from Shanghai. One of our constituents, under date of 3d March, writes as follows:

"Every thing is in a most depressed state, in consequence of news having arrived of further success on the part of the rebel forces. The taoutae has applied to her Britannic Majesty's consul for assistance; and it is said that a request has been sent to Sir George Bonham for a steamer or two to come here. The native community are in a state of great excitement, which, for the time, has greatly paralyzed trade."

Another writes: "The Jones is unexpectedly despatched to-day, at the request of her Britannic Majesty's consul, the Chinese having made application for assistance as soon as the capture of Kekew Kiang by the rebels was ascertained."

The Hermes English man-of-war steamer was circulated to leave this for Shanghai prior to the receipt of the news by the Jones, but this morning's paper announces that Sir George Bonham and suite will go up in her. She is to leave at 4 p. m. to-day.

I have given you all the information *we* have as yet.

I presume that the hurried despatch of the Jones prevented our receiving further advices.

—

No. 11.

SHANGHAI, *March* 28, 1853.

SIR: The Susquehanna performed the trip from Macao to Shanghai between the morning of the 21st and evening of the 27th, without accident. Two nights were lost at anchor in consequence of the thickness of the weather, and her speed was impeded by the heaviness of the fogs along the coast.

The vessel is now moored directly in front of the American consulate at Shanghai, and her coming has been hailed by the American residents here as most opportune for their protection. What moment they may be compelled to resort to her decks for security, no human intelligence can foresee.

During the voyage, the most exact order and discipline seemed to prevail. This, I rather judged from the silence on board and the regularity with which facts were reported to the commanding officer, than from any other cause, as I was violently attacked with fever soon after leaving Macao, and was under medical treatment during the entire voyage

I desire, however, to express to the Department the very kind consideration for my health and sympathy for my sickness, which were manifested by the officers of the Susquehanna.

The trade of Shanghai is completely paralyzed. Money is hoarded. It is with immense difficulty that a dollar can be obtained in circulation. No direct news from Nankin has been received for two weeks. Every variety of rumor, as to the fate of Nankin, is in circulation.

Nankin is closely invested, and probably has fallen ere this. The greatest anxiety exists, on the part of the Chinese officials, that foreign ships of war shall proceed up the Yang-tze-Kiang *to raise the siege of Nankin*, and an imperial edict, declaring the rebel vessels taken lawful prize to the captors, has met my eye. If the mere presence of the Susquehanna could raise the siege of Nankin, the policy of so doing would be very questionable in my opinion. The Emperor will receive *from events* stronger impressions than could be made upon his mind by a timely and facile release of his southern capital from danger. My future course must be determined by circumstances, but I *now* entertain a sanguine hope that, by judicious action, I shall succeed in procuring the consent of the Emperor to receive me at Pekin.

I send you several numbers of the North China Herald, containing translations from circulars and edicts of the revolutionary chiefs. They will throw light upon the political and religious purposes of the rebellion. China is now in the midst of a bloody revolution, a war for the empire, the violence of which has utterly prostrated commerce in this quarter, and threatens to overwhelm the mercantile class with ruin, unless speedily diverted elsewhere or allayed by some settlement.

Pardon this hasty despatch; my principal object in committing any remarks to paper at this time was to announce my safe arrival, and the opportune protection that has been supplied by the Susquehanna at Shanghai. I hope by the next mail to have obtained important and useful information in regard to the internal condition of China to submit for your consideration.

I have the honor to be, your very obedient servant,

HUMPHREY MARSHALL.

Hon. SECRETARY OF STATE,
&c., &c., &c., Washington.

[Official No. 13.]

LEGATION OF THE UNITED STATES, SHANGHAI,
April 28, 1853.

SIR: The British steamer Hermes, with his excellency Sir George Bonham and suite aboard, proceeded up the Yang-tze-Kiang since my last despatch was closed. I have heard of the vessel between Chinkiang-foo and Nankin, so that his excellency has accomplished what I essayed in vain to perform in the steamer Susquehanna. He has placed himself in position to acquire such exact information of the civil war in China as will enable him to impart reliable intelligence to his government, and to avail himself of every change in the condition of affairs likely to afford advantages to his country.

You will perceive that he has pursued the course I advised in a conversation with him, which is detailed in my last despatch, though then he seemed to avoid it.

I will not disguise my mortification, *that I am without the means to do anything*; I cannot command a vessel of war, belonging to the United States, to take me from one point to another without submitting my

views and purposes in going to the supervision of the commander of such vessel; and, when such commander is willing to render the service, I cannot reach the points I desire, because the United States naval force in these seas is not adapted to the service required. I feel like one placed conspicuously on an interesting theatre of action, from whose exertions the country has a right to expect benefits to commerce, yet who stands idle, because deprived of the means to accomplish useful purposes, or even to make available to his country his own intelligence. Surely, the interests of the United States, in the future policy of this vast empire, justifies the employment of the necessary means to enable the commissioner to occupy positions that command a view of the scenes which are passing near this place. The utter non-adaptation of means to the service required *on the Chinese coast* has been commented on by my predecessors without reserve and without exception. This condition of affairs has led American citizens here to deem themselves *abandoned* by the government of the United States; while on the other hand, it is apprehended that the President may accept the pertinacity and earnestness with which the recommendations for small steamers have been urged and renewed as unbecoming on the part of the Commissioner to China. On a late sudden alarm for the security of foreigners at Ningpo, I was compelled to ask the assistance of a *French steamer* to afford means of escape from the point of danger to the American citizens in that port, because the Susquehanna could not have approached nearer to Ningpo than twenty miles. I enclose a copy of my letter to Dr. D. B. McCartee, which was conveyed by the Cassini. (See enclosure A.) It is my duty to say, that, in my opinion, it will be quite impossible for a commissioner to China to meet the frequent exigencies of public service which demand prompt and rigorous action on his part, without at least two war steamers of light draught, *subject to his orders*, and detached for this special service. At the same time it would be most proper that he should always be provided with an order, such as was given to Hon. A. H. Everett, my predecessor, which put to rest the question of his right to demand the service of a national ship for public purposes.

I have just received a reply from Dr. McCartee, which, I am happy to say, contradicts the rumor of trouble at Ningpo. (See enclosure B.) You will remark a passage in the letter, however, which shows the feeling of American citizens in relation to the failure to visit their homes with the country's flag.

I enclose herewith tables exhibiting the American trade at Canton and Shanghai for the series of years since 1848, and at the former port since the date of the treaty between the United States and China. (See enclosures C and D.) These are deduced from the reports of consuls which are enclosed herewith, (enclosures E and F,) made in compliance with my circular of 3d March last. In regard to these reports, and the operations of the consulates, I shall have the honor hereafter to address you a distinct communication.

The rapid growth of the American trade at Shanghai will arrest attention, though it yet remains at a figure far inferior to the British trade to the same port. Every year, however, diminishes the difference. In the brief space of nine years this city has become the principal depôt in *China for American* manufactures, and the chief exporting

point for the green teas of commerce. The monopoly of foreign trade, so long enjoyed by Canton, attracted to the vicinity of that city the manufacturers of silk, and time will be required to transfer the market for silks to Shanghai. As this is the natural outlet from the silk-growing district of China, no doubt is entertained that, so soon as the manufacturers of Hangchow and Suchan find the advantages of this market they will concentrate the trade here.

Shanghai is a healthy city. The means of living are abundant. All of the vegetables grown in the United States with which I am acquainted are successfully cultivated here, besides others which are peculiar to China. The market furnishes plentifully beef, mutton, fish, pork, poultry, and wild game of the finest qualities. I have not seen at home, in any city, evidence of greater abundance in the supplies of the table than are met with here, and nowhere have I seen tables more bounteously or elegantly provided than among the "foreign residencies" in Shanghai. I mention these small items because in the United States a gross error prevails among all classes as to the means and style of living in China. Observation and experience teach me that the rules of economy must be strictly observed to enable the Commissioner of the United States to maintain a respectable style here, and that his salary may be easily expended without ostentation in an attempt to emulate the greater part even of the limited foreign population among whom he resides.

The city of Shanghai contains about three hundred thousand Chinese inhabitants. Like most of the cities in China, it is enclosed by a strong high wall, and is built upon streets about twelve feet wide. These are usually *very filthy*. Indeed, the habits of the Chinese people are not examples of cleanliness in *any* particular. The Chinese live in houses which are not commodious; and though the country is fertile, and produces abundantly, the condition of the people is far less comfortable than that of the people of either the United States, England, or France, or even of Italy. Very few foreigners reside in the city of Shanghai—perhaps none but the Christian missionaries. Outside of the city walls, a tract of land, containing several hundred acres, has been set apart for settlement by "foreigners." This fronts on the Hoangpo river, and there has arisen here since the treaty a town of exceeding beauty and great prosperity. I have not seen elsewhere a town of the same size that surpasses Shanghai in the architectural style of the buildings, the comfort of its residences, or the means of living agreeably. Every residence has attached to it a pleasant yard and garden, and these are beginning to display the taste of the "foreigners," and their enterprise in transplanting hither the trees, shrubs, and flowers, not merely of China, but of the East. It is curious to see the Chinese lingering around the yards and gardens of Shanghai to behold the improvements which adorn and beautify the homes of the "barbarians." In this part of Shanghai the streets are wide enough to admit the passage of carriages and exercise on horseback—a convenience which is liberally used for that purpose by the people from Europe and America.

The residences of the foreigners in Shanghai have been erected by merchants, for themselves and their employés; so that it is extremely

difficult to find a residence for rent, and then only at enormous rates. I have inquired minutely into this branch, and find that such a house as would command $400 per year at Washington would rent here for $1,200, and they range from that to $3,500 per annum.

The British government has built for its consuls, both at Canton and Shanghai, very excellent residences connected with the public offices; and it seems to me that when the government of the United States shall have ascertained the place for the residence of the commissioner, the observance of true economy will suggest an imitation of this example. No comparison can be instituted between China and any other country to which a minister is accredited. Effect, arising from appearances, *must* be regarded here. It is the spirit of this people which dictates it. The government that is represented in China by officers who occupy steadily the public building *belonging to the government* will be regarded as entitled to precedence and as possessing superiority.

The demeanor of the Chinese at Shanghai towards foreigners contrasts very strongly with that of the Chinese at Canton. There the gates of the city proper remain closed against foreigners, and such is the aversion of the people to intercourse with the Europeans and Americans, that triumphal arches were erected, and are yet standing, in Canton to celebrate the refusal of Commissioner Su to open the city gates in 1848 to the British, in accordance with the treaty. There it is unsafe to walk a mile from the foreign factories in any direction.

Repeated instances might be cited of the personal maltreatment and even the murder of foreigners, who were peaceably walking for amusement within two miles of the factories. It is not safe to venture alone more than a few squares from the foreign mercantile houses. The whole foreign community at Canton is crowded into the houses which were built for trading establishments, and the only place of resort for exercise and amusement is a garden or park, which is enclosed within the square of foreign mercantile houses, and which measures some two hundred yards long by one hundred wide. I have heretofore remarked that I could not even obtain a suite of two rooms at Canton for my accommodation at any price, though I had friends who were inquiring for them more than a month. I would be understood, however, as remarking that several houses were open to me *as a guest* so long as I chose to remain, but there were none to rent.

Here every part of the city is free of access. I have walked alone through all sections of it. A lady might do so with perfect impunity, and as safe from insult as she would be in New York. Gentlemen ride into the country twenty, thirty, and forty miles, as securely as they would travel the same distance from Washington City. All concur in representing the people of the country as kind and hospitable, and well inclined to cultivate the most friendly relations with foreigners. In the city of Shanghai Christian churches are erected, and the truth of the gospel is proclaimed from their pulpits every Sabbath, as also in other public places, without the slightest hindrance or molestation of the missionaries by the Chinese. In a word, one feels as in a prison at Canton, but here he realizes that he is free.

Should the Chinese government fail to agree to the residence of the Commissioner of the United States at Pekin, and it should agree to ap-

point an imperial commissioner to confer with a commissioner resident at Shanghai, there is no doubt in my mind that this is the most proper as well as the best place to establish the legation of the United States permanently. It is eight hundred miles nearer than Canton to Pekin. It is within some four days of Niphon, in Japan, by steam. It is the nearest port of China to San Francisco. It is the greatest market for teas, and will be for silks. It is already the principal receiving mart for American imports. A line of steamers or sail vessels from this to the Pacific coast of the United States will be safer from attack and more easily to protect by the Pacific squadron and the East India squadron, than a line from that coast to Canton, whose market is commanded by Hong Kong.

I take it to be true that, in establishing the foundations of international intercourse with China, the United States will select such position for the chief mart in their trade as shall be nearest to them and furthest from their chief rival; as shall be easiest of defence; as shall be least liable to be closed by that rival in time of war; and as shall manifest, on the part of its population, a desire for commerce and intercourse, instead of a pointed and settled aversion to both. I shall probably remain here for some months. As you will see by my last despatch, I await at this place an answer from the prime minister at Pekin; and, besides, I shall be here in easy communication with Commodore Perry, should that officer desire my assistance or advice in any matters concerning the public interests.

I have to report the arrival to-day of the ship-of-war Plymouth, below this city, and my reception of a letter from Commodore Perry (at Macao) announcing his expectation to arrive at this place in the Mississippi between the 26th and 30th instant.

The armies of the Emperor and his rebels are centered yet around Nankin. Rumors of engagements constantly arrive, but none of decisive battles; and so little are Chinese reports to be depended upon, that I have ceased to credit them, much less to repeat them, unless sustained by testimony *aliunde*. I think I may safely say, however, that from all I can learn the government of China is fully employed by the rebels, and that any day may bring forth the fruits of successful revolution, in the utter overthrow of the existing dynasty.

Yours, most respectfully,

HUMPHREY MARSHALL.

The Hon. SECRETARY OF STATE,

Washington City.

P. S.—I append hereto two proclamations, in the handwriting of the secretary of this legation, which may possess some interest, as showing to you the style of the leading men of this country. *I doubt all the facts.* (See enclosures G and H.)

NOTE.—June 1. The translations referred to were not copied, because not of importance. H. M.

A.

Mr. Marshall to Dr. McCartee.

3.] LEGATION OF THE U. S. A., SHANGHAI,
April 21, 1853.

The French steamer Cassini departs for the city of Ningpo :ow morning, under the advice of the French consul, who has pprised of the fears of the French "sisters of charity," resident :po, that lawless persons are about to make that city the theatre troubles, in which the "sisters," being unprotected, may be ex- :o danger. I have little apprehension that any immediate peril ls. I trust that the alarm of the ladies has magnified the danger; ım fortified in this conclusion by the tenor of your letter to Dr. , of the 10th instant, in which you represent every thing in and its vicinity as "perfectly quiet." Lest, perchance, there ıve occurred something to justify this new panic since your letter spatched, I have spoken to Commander La Plass, of the Cassini, nd to my countrymen and countrywomen at Ningpo, every as- e they may require, in case of an emergency which calls for their iate relief. He will give a passage to them to Shanghai, if they :em it necessary to repair hither at once for safety; or he will y boat in which, with their property, they may choose to embark. steam frigate Susquehanna is the only vessel of war of the United at present at this anchorage, and it would not be prudent that ıuld sail hence under the circumstances which surround us; es- y when the Cassini is at the same time about to leave. But ere she to proceed to Ningpo now, her draught is such that she ıot ascend the river. Commodore Perry will arrive at this place e 26th to the 30th instant, with the steamer Mississippi, and I the arrival of the Plymouth about the same time. Should the ɔn of the fleet offer a fair chance to me of reaching Ningpo in a ɔf war, I shall visit the city; but, if I should be compelled to the vessel at a great distance, and to approach the city in :s, the effect to be produced would not compensate the trouble; :refore, in such case, I would only repair thither to relieve my 'men from the peril when *it shall be known to exist.*

/e to request, dear sir, that you will make it a duty to write to east once a week, and keep me accurately advised of the situa- affairs in the quarter around Ningpo. I presume I shall be in ɔartment for some time to come, and your communications will ived with great satisfaction. They will very materially facili- ' own discharge of public duty, while they may serve to protect zens of the United States resident at Ningpo, by giving timely g of any necessity which may suddenly arise for my interposition.

Respectfully, yours, &c.,
HUMPHREY MARSHALL.

. McCARTEE, M. D., *Ningpo.*

B.

[No. 13.] NINGPO, *April* 26, 1853.

SIR: I have the honor to acknowledge the receipt of your favor of the 21st instant, and, in accordance with the desire expressed, hasten to answer it by this opportunity. I am happy to say that Ningpo and its vicinity still continue perfectly quiet, and that your kind offices in providing the means of our removal from Ningpo to Shanghai, although warmly appreciated, took us somewhat by surprise. It is true, we cannot tell what may occur should the insurgents prove victorious over the Tartar army, but unless they should take possession of the provincial capital of Chikiang, (Hangchow,) I can see no reason to apprehend any danger to our lives or property.

Since the receipt of your favor yesterday, I have had interviews and conversations with most of the Americans residing here, and you may rest assured that, although we should be very happy to see yourself, or any of our officers, at Ningpo, and believe that such a visit would produce a good impression, yet we would by no means desire to be gratified in this respect if it should require our countrymen at Shanghai to be left unprotected; and, so far from thinking of removing to Shanghai, it has even been debated among us whether it would not be advisable to invite such of our countrymen or countrywomen from Shanghai, as felt apprehensive or unsafe, to come and take refuge with us at Ningpo. It is not to be denied that rumors have prevailed from time to time, among the people of this city, as to the approach of the insurgents, &c.; but the alarms proving false in every instance, the people seem perfectly easy on the subject at present, the all-absorbing theme being the high price of rice, and the means to be devised for preventing suffering and disorder among the poor. A few days since, (about the 17th or 20th instant,) bands of poor people, principally if not exclusively women and children, went about the city clamoring at the doors of such of the inhabitants as were known to be wealthy, and in some instances where relief was not given as promptly as was thought requisite, the women battered in the doors with large stones. This has now ceased—an efficient body of men having been enrolled as extraordinary police by the district magistrate, acting under the orders of the prefect, in concert with the colonel of the city brigade, and money having been contributed by the rich for the purpose of distributing a daily ration of rice to all and each of the inhabitants who would apply for it.

The alarm of the "sisters of charity," or of the French missionaries, as far as I can learn, arose from the rumor of an intended mob of the country people, similar to what took place in May, 1852. Had the "sisters" lived longer in Ningpo, or been more in the habit of moving among the people, they would probably have felt less occasion for alarm; but being as yet little acquainted with the language, and having *no husbands*, or other suitable escort, they are much confined to their own quarters, and more easily alarmed. The rumor turned out to be a false alarm, but had the country people come up to demand concessions or redress from the mandarins on the subject of illegal taxation, there is little reason to believe that they would have at all molested foreigners. In 1852 the mob respected the rights of property, punished those who at-

empted to plunder, and although they maltreated some of their own officers, and burned up the offices and dwellings of extortionate police officers, yet they spared one house at the request of one of our number, because if set on fire it would endanger his; and when the disorder was at its height, the American and English ladies did not hesitate to go about the city, and were not in the least molested. Many of us were in the midst of the rioters while burning and destroying, and were recognised by many as friends to the popular cause. The people of Ningpo are very friendly to foreigners, and, in general, very orderly. From the number of persons who have been prescribed for at our hospitals, or whose children have been or are being educated in our school, as well as from our being accustomed to move about with our families through the country, speaking their language, we have formed a large number of acquaintances, and, I believe, some friends; so that, unless the success of the insurgent army should cause the officers to desert their posts, I think we have little cause to fear any present trouble. Yet, were it practicable, we should like occasionally to have the Chinese reminded that *we*, too, have a country and a flag as well as the English and French, and we should welcome the sight of *the stars and stripes* almost as much as we should a glimpse of our native soil.

I sent to the care of Mr. Cunningham, our acting vice consul, a chart of the river of Ningpo, in case it should be needed by any of our vessels.

Should you honor us with a visit, we would all strive to render your stay agreeable; and any accommodations or services in my power would be most cheerfully rendered by

Yours, very respectfully,

D. B. McCARTEE.

Hon. HUMPHREY MARSHALL,
Commissioner, &c., for the U. S. A.

E.

UNITED STATES CONSULATE, SHANGHAI,
[No. 13.] *April* 15, 1853.

SIR: Referring to your official communication of the 3d of March last, I now have the honor to hand you a printed copy of consular returns of American trade with Shanghai for the years 1849 to 1852. No returns having been made by Mr. Consul Griswold's predecessor, I am unable to furnish you with those of an earlier date.

Other accounts connected with the judicial department of this consulate will be forwarded to you at an early opportunity. I can give you no information in respect to Chinese emigration from this port; such few as have embarked from this to San Francisco making their arrangements with the masters or consignees of the vessels without my knowledge of the terms of their agreements.

As respects annual statements of vessels entered and cleared, and of their cargoes, *&c., for the inspection* of the imperial board of revenue,

I beg to say that none have been given, the Chinese not requiring them, as they have their own statistics.

I have the honor to be, sir, your most obedient servant,

EDW'D CUNNINGHAM,
Vice Consul U. S. A.

Statement of American tonnage, inward and outward, port of Shanghai.

In 1849, 24 vessels inw'd, 9,826 tons; 24 vessels outward, 9,877 tons.
In 1850, 37 vessels inw'd, 13,308 tons; 34 vessels outward, 14,464 tons.
In 1851, 54 vessels inw'd, 27,634 tons; 53 vessels outward, 26,697 tons.
In 1852, 66 vessels inw'd, 38,760 tons; 70 vessels outward, 40,592 tons.

No record of shipping, &c., was kept by the person in charge of the United States consulate previous to Mr. Griswold's coming into office.

F.

CONSULATE OF U. S. AMERICA, CANTON,
[No. 13.] *March* 10, 1853.

SIR: In reply to your communication of the 3d instant, I would now enclose the statements referred to in your despatch, viz:

1st. Statements of American tonnage, inward and outward, at Canton, from 1844 to 1852.

2d. Statement of exports to the United States from Canton from 1845 to 1852; prior to 1845 the exports were kept in packages instead of pounds, and, consequently, are not given.

After 1849 the trade from Shanghai increased, and a portion of the teas formerly shipped from Canton were shipped from that port instead.

3d. Statement of imports into Canton from the United States from 1844 to 1852.

4th. Statement of cases tried, decisions rendered, and fees collected. There were many cases left to arbitration at the recommendation of the consul, which, of course, were not tried by the court. No punishment has been inflicted on any American citizen under my criminal jurisdiction.

With reference to Chinese emigration, that of

1849 is estimated at	900
1850 is estimated at	3,118
1851 is estimated at	3,502

and the first six months of 1852 at 15,000 to California. No American vessel has carried coolies hired to labor in other countries from Whampoa, nor do I know of any sailed from Hong Kong or Comsingmoon; the American ships have always taken passengers only; but as they have taken their final departure from Hong Kong, no accurate account has or could be kept from this port.

No annual statement of the amount of duties has been made to the *authorities*, for the reason that said duties were collected by the Chi-

nese authorities themselves, and could only be obtained from them, or by making a custom-house of the consulate, and requiring all goods to be landed and shipped from and through it, to the annoyance of our own citizens and the discredit of the Chinese custom-house. The amount of goods exported and imported has always been at the disposal of the authorities, but they have never desired to have them, or appeared willing to receive them. The officers appointed by the board of revenue have collected the duties, and made their own report.

I have the honor to be, with great respect, your obedient servant,

P. S. FORBES,
United States Consul.

To his Excellency HUMPHREY MARSHALL, *&c., &c., &c.*

No. 1.

Statement of American tonnage inward and outward at the port of Canton.

INWARD.

		Tons and 95ths.
In 1844,	60 American vessels inward	25,877 70
1885,	93....do.....do....do	38,853' 51
1846,	60....do.....do....do	25,383 45
1847,	61....do.....do....do	28,131 71
1848,	53....do.....do....do	26,238 39
1849,	53....do.....do....do	24,457 46
1850,	70....do.....do....do	35,160 65
1851,	70....do.....do....do	44,535 13
1852,	75....do ....do....do	57,228 17

OUTWARD.

In 1844,	53 American vessels outward	23,358 59
1845,	95....do.....do....do	39,456 52
1846,	68....do.....do....do	29,061 83
1847,	60....do.....do....do	27,813 71
1848,	45....do.....do....do	21,552 84
1849,	60....do.....do....do	27,943 17
1850,	70....do.....do....do	36,157 63
1851,	66....do.....do....do	40,358 66
1852,	73....do.....do....do	55,678 69

No. 2.—*Statement of exports from Canton to the United States.*

Merchandise.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.
Green teas.....pounds..	13,557,054	14,938,021	16,946,780	9,091,085	13,308,916	7,017,837	6,971,393	8,113,422
Black teas.....do....	5,017,399	5,458,057	4,380,509	3,272,570	7,553,873	7,235,230	7,193,275	9,234,334
Silk piece goods..pieces..	93,460	127,788	145,844	82,346	158,100	{ 16,075 135,849	{ 130,121	84,700
Crape shawls.....do....	148,050	102,033	98,591	154,446	112,971	195,254	209,783	385,200
Raw silk .....pls....	214	440	1,278	52	747	662	783	740
Grass cloth.....pieces..	681	128	2,447	446	400	1,025	2,093	4,127
Nankeens .....boxes ..	648	58	205	*11,130	30,206	2,500	998	100
Pearl buttons.....do....	229	140	65	40	40	2	40	30
Rhubarb .....do....	1,517	1,097	292	231	516	870	707	317
Camphor ....do....	3,101	389	1,324	617	359	584	684	1,644
Vermillion.....do....	217	226	121	36	99	156	182	131
Oil, cassia.....do....	141	94	297	69	110	96	170	200
Oil, anise .....do....	161	122	354	186	350	383	390	400
Sweetmeat .....do....	1,623	3,996	2,834	1,914	2,953	7,231	8,234	9,130
China ware .....do....	1,405	392	177	464	246	447	1,200	2,000
Fire-crackers.....do....	44,133	26,294	31,554	42,275	70,477	121,457	160,000	109,553
Cassia.....pls....	8,184	10,460	6,299	5,666	8,532	9,409	9,901	9,497
Matting.....rolls...	27,201	14,305	20,931	14,232	19,885	39,130	49,781	60,046
Fans and screens..boxes..	1,564	1,030	1,456	1,584	897	3,935	7,877	2,948
Split ratans.....bundles.	1,252	254	978	840	1,065	3,090	3,200	4,867
Lacq ware.....boxes..	27	153	91	423	73	110	759	337
Tin .....pls....	.....	660	1,091	2,000	6,780	540	998	842
Cassia buds.....boxes..	.....	.....	45	80	106	106	100	87

* Pieces.

No. 3.—*Statement of imports into Canton from the United States.*

Merchandise.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.
Jean .....pieces..	7,160	15,231	30,119	54,141	14,920	4,980	32,920	40,620	40,116
Drill .....do....	133,780	145,650	407,212	385,026	385,482	206,840	262,940	202,935	231,000
Drill, blue.....do....	2,140	6,082	3,793	.....	2,100	2,200	1,750	4,500	1,189
Drill, white.....do....	.....	.....	2,162	2,535	.....	.....	.....	.....	.....
Sheeting..... do....	68,822	363,534	37,682	17,718	122,642	97,096	62,950	96,110	42,005
Shirting ...P.....do....	.....	.....	251	.....	14,000	11,400	.....	*1,980	.....
Yarn.....pls....	1,348	.....	2,595	3,972	2,322	.....	.....	.....	.....
Cotton .....do....	.....	5,967	.....	.....	.....	1,290	.....	.....	.....
Twill.....do....	.....	.....	.....	286	286	.....	.....	.....	.....
Skin .....pieces..	2,845	8,919	11,646	10,069	1,044	600	6,280	6,000	.....
Cochineal .....pls....	119	61	116	1	101	62,482	21,835	20,406	23,988
Silver dollars.....	462,080	496,007	50,950	25,400	.....	4,027	109,900	58,848	122,300
Spelter ....pls....	.....	.....	406	2,170	1,279	193,765	.....	1,107	98,494
Copper .....do....	.....	.....	.....	79	.....	.....	32,700	217,879	.....
Lead.....do....	15,317	30,086	7,694	7,991	13,089	684,415	1,269,790	1,743,460	1,125,021
Iron .....do....	.....	.....	.....	1,360	.....	406,453	.....	.....	.....
Ginseng .....do....	3,092	5,202	4,564	2,050	1,038	248,412	313,274	304,812	202,272
Flour ....barrels..	1,239	150	1,000	951	650	390	700	500	3,050
Bread .....do....	.....	.....	18,903	.....	129	1,040	.....	.....	.....
Beef .....do....	895	767	279	.....	100	180	150	150	200
Pork.....do....	302	803	70	.....	260	170	75	150	200
Clocks.....pieces..	132	348	.....	.....	1,240	60	634	.....	114
Cotton flannel .....do....	17,597	17,333	.....	.....	400	.....	600	.....	.....
Woollen flannel ....do....	1,021	.....	.....	.....	.....	3,000	.....	.....	.....
Hams .....pounds..	21,122	.....	.....	.....	.....	.....	.....	.....	.....
Boards.....feet....	121,000	.....	.....	.....	.....	21,535	.....	.....	18,027
Tobacco.....pounds..	24,000	.....	.....	.....	.....	.....	.....	5,140	5,948
Gold .....ounces..	.....	.....	.....	.....	.....	1,909	.....	2,557	{ †500 13,200
Steel.....pounds..	.....	.....	.....	.....	.....	2,240	.....	.....	.....
Butter.....barrels..	.....	.....	.....	.....	.....	22	.....	‡2,044	.....
Tar .....do....	.....	.....	.....	.....	.....	100	.....	.....	.....
Vinegar .....do....	.....	.....	.....	.....	.....	13	.....	.....	.....
Brandy.....gallons .	.....	.....	.....	.....	.....	835	.....	531	.....
Cheese.....bls....	.....	.....	.....	.....	.....	.....	.....	.....	2063
Glass-ware .....boxes..	.....	.....	.....	.....	.....	.....	.....	130	.....
Tin .....plates..	.....	.....	.....	.....	.....	.....	.....	30	.....
Coal ....tons..	.....	.....	.....	.....	.....	.....	.....	1,030	.....
Linseed oil.....gallons..	.....	.....	.....	.....	.....	.....	.....	10,152	1,000
Sperm candles....pounds..	.....	.....	.....	.....	.....	.....	.....	112	.....
Olive oil.....boxes..	.....	.....	.....	.....	.....	.....	.....	52,436	.....
Sugar, refined....pounds..	.....	.....	.....	.....	.....	.....	.....	.....	.....

* *Blue.* † Gold coin. ‡ Pounds.

No. 4.

Cases tried by the United States consular court at Canton.

January 2, 1849. United States *vs.* Alfred Lewis, Irishman. On the charge of grand larceny; condemned for one year's imprisonment. No funds for fees.

November 2, 1851. United States *vs.* Marcillano Pedro, native of Manilla. On the charge of assault with a knife; condemned for six months' imprisonment. No funds for fees.

April 17, 1852. Owners bark Sea Breeze *vs.* Walcott, Bates & Co. Claim on certain freight, 80\frac{90}{100}$; Walcott, Bates & Co. to pay part of the claim, say 71\frac{40}{100}$. Fees $2.

April 17, 1852. Owners ship H. Russell *vs.* Walcott, Bates & Co. Claim on certain freight, 456\frac{05}{100}$; Walcott, Bates & Co. to pay the claim, say 456\frac{05}{100}$. Fees, $2.

January 28, 1853. H. W. Hubbell, for Aymor & Co., New York, *vs.* King & Co. Damages $7000; King & Co. to pay $292. Fees $3.

Statement of imports into China from the United States.

Merchandise.	1844.	1845.	1846.	1847.	1848.	1849.			1850.			1851.			1852.		
	Canton.	Canton.	Canton.	Canton.	Canton	Canton.	Shanghai.	Total.	Canton.	Shanghai.	Total.	Canton.	Shanghai.	Total.	Canton.	Shanghai.	Total.
American drill.....pieces.	135,921	151,732	413,167	387,561	387,382	209,040	92,200	301,240	264,690	143,500	404,200	207,435	215,586	423,021	232,246	342,115	574,361
American sheeting...do...	68,823	363,524	37,682	17,718	122,642	97,096	61,126	158,222	62,950	33,365	96,315	98,090	75,478	173,568	42,095	88,015	130,110
American jeans.....do...	7,160	15,231	30,119	54,141	14,920	4,980	3,450	8,430	32,220	17,200	49,420	40,620	27,228	67,838	40,116	64,250	104,366
American shirting.....do...	.....	.....	251	.....	14,000	11,400	2,980	14,380	.....	.....	.....	.....	.....	.....	.....	.....	.....
Yarn..... .....pls....	1,348	.....	2,595	3,972	2,322	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cotton..... .....do...	.....	5,967	.....	.....	.....	1,290	.....	1,290	.....	.....	.....	.....	.....	.....	.....	.....	.....
Twill.....do...	.....	.....	.....	286	286	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cochineal..... .....do...	119	61	116	1	101	62,482	.....	62,482	21,835	.....	21,835	20,406	.....	20,406	23,986	.....	23,986
Silver.....dollars.	462,080	496,007	50,950	25,400	.....	4,027	.....	4,027	109,900	.....	109,900	58,842	.....	58,842	122,300	.....	122,300
Spelter..... .....pls.	.....	.....	406	2,170	1,279	*193,765	.....	*193,765	.....	.....	.....	1,107	.....	1,107	*90,424	840	*90,424
	.....	.....	.....	.....	.....	.....	†430	†430	.....	.....	.....	.....	.....	.....	.....	.....	†840
Copper..... .....do...	.....	.....	.....	79	.....	.....	.....	.....	*32,700	.....	32,700	217,879	.....	217,879	.....	.....	.....
Lead.....do.	15,317	30,086	7,694	7,991	13,089	*684,415	.....	*684,415	*1,269,790	.....	*1,269,790	*1,743,460	12,282	*1,743,460	*1,125,421	17,843	*1,125,421
	.....	.....	.....	.....	.....	.....	†2,550	†2,550	.....	†5,217	†5,217	.....	.....	†12,282	.....	.....	†17,843
Iron..... .....do...	.....	.....	.....	1,360	.....	*406,453	.....	406,453	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ginseng.....do...	3,092	5,202	4,634	2,050	1,038	*248,412	.....	248,412	313,274	.....	313,274	304,812	.....	304,812	209,272	.....	209,272
Flour..... .....barrels.	1,239	150	1,000	951	650	390	.....	390	700	.....	700	500	.....	500	3,059	.....	3,059
Bread.....do...	.....	.....	18,903	.....	129	1,040	.....	1,040	.....	.....	.....	.....	.....	.....	.....	.....	.....
Beef..... .....do...	825	767	279	.....	100	180	.....	180	150	.....	150	150	.....	150	200	.....	200
Pork.....do...	302	803	70	.....	260	170	.....	170	75	.....	75	150	.....	150	200	.....	200
Clocks.... .....pieces.	132	348	.....	.....	1,204	60	.....	60	134	.....	134	.....	.....	.....	114	.....	114
Cotton flannel.....do...	17,597	17,333	.....	.....	400	.....	.....	.....	600	.....	600	.....	.....	.....	.....	.....	.....
Woollen flannel.....do...	1,621	.....	.....	.....	.....	3,000	.....	3,000	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hams.....pounds.	21,122	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Boards..... .....feet..	121,000	.....	.....	.....	.....	21,535	.....	21,535	.....	.....	.....	.....	.....	.....	.....	18,627	18,627
Tobacco.....pounds.	24,000	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5,140	.....	5,140	5,942	.....	5,942
Gold..... .....ounces.	.....	.....	.....	.....	.....	1,909	.....	1,909	.....	.....	.....	2,557	.....	2,557	‖500	.....	‖500
															13,300		13,300
Steel..... .....pounds.	.....	.....	.....	.....	.....	2,204	.....	2,204	.....	.....	.....	.....	.....	.....	.....	.....	.....
Butter.....barrels.	.....	.....	.....	.....	.....	22	.....	22	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tar.....do...	.....	.....	.....	.....	.....	100	.....	100	.....	.....	.....	*2,044	.....	2,044	.....	.....	.....
Vinegar.....do...	.....	.....	.....	.....	.....	13	.....	13	.....	.....	.....	.....	.....	.....	.....	.....	.....
Brandy.....gallons.	.....	.....	.....	.....	.....	835	.....	835	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cheese..... .....pounds.	.....	.....	.....	.....	.....	82	.....	82	.....	.....	.....	531	.....	531	1,000	.....	1,000
Glassware.....boxes.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	203	.....	203
Tin.....plates.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	‡130	.....	‡130	.....	.....	.....
Coals.....tons...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	30	.....	30	.....	.....	.....
Linseed oil.....gallons.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,030	.....	1,030	.....	.....	.....
Sperm candles....pounds.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10,152	.....	10,152	1,000	.....	1,000
Olive oil.....boxes.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	112	.....	112	.....	.....	.....
Sugar, refined.....pounds.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	52,436	.....	52,436	.....	.....	.....
Skin.....	9,845	8,919	11,646	10,069	1,044	600	.....	600	6,280	.....	6,280	6,000	.....	6,000	.....	.....	.....

UNITED STATES LEGATION, *Shanghai, April, 1853.*

HUMPHREY MARSHALL, *U. S. Commissioner.*

* Pounds. † Pic. ‡ Boxes. ‖ Coins.

Statement of exports from China to the United States.

Merchandise.	1845.	1846.	1847.	1848.	1849.			1850.			1851.			1852.		
	Canton.	Canton.	Canton.	Canton.	Canton.	Shanghai.	Total.	Canton.	Shanghai.	Total.	Canton.	Shanghai.	Total.	Canton.	Shanghai.	Total.
Green teas....pounds	13,557,054	14,938,021	16,946,780	9,091,085	13,308,916	3,262,600	16,571,516	7,017,837	5,808,200	12,826,037	6,971,323	13,522,300	20,503,623	8,113,472	19,809,400	27,922,872
Black teas .....do..	5,017,399	5,458,057	4,380,509	3,272,570	7,553,873	732,600	8,286,473	7,235,230	3,882,300	11,117,530	7,193,275	2,632,000	9,825,275	9,924,334	3,033,000	12,957,334
Silk piece goods, pcs..	93,460	127,788	145,844	82,346	158,100	40,650	198,750	151,924	51,662	203,586	130,121	91,120	221,241	84,708	40,868	125,576
Crape shawls....do..	148,050	102,033	96,591	154,446	112,971	.....	112,971	195,254	.....	195,254	209,793	.....	209,793	305,203	.....	305,203
Grass cloth.....do..	681	128	2,447	446	400	.....	400	1,025	.....	1,025	2,093	.....	2,093	4,127	.....	4,127
Nankeens .....boxes.	648	58	205	*11,130	*30,206	.....	30,206	2,500	.....	2,500	998	.....	998	100	.....	100
Pearl buttons....do..	229	140	65	40	40	.....	40	2	.....	2	40	.....	40	39	.....	39
Camphor.....do..	3,101	389	1,324	617	359	.....	359	584	.....	584	684	.....	684	1,644	.....	1,644
Vermillion.....do..	217	226	121	36	99	.....	99	156	.....	156	182	.....	182	131	.....	131
Oil, cassia.....do..	141	94	297	69	110	.....	110	96	.....	96	170	.....	170	402	.....	402
Oil, anise .....do..	161	122	354	186	350	.....	350	383	.....	383	8,234	.....	8,234	9,190	200	9,390
Sweatmeats .... do..	1,623	3,996	2,834	1,914	2,953	.....	2,953	7,231	.....	7,231	1,200	.....	1,200	2,000	.....	2,000
China ware .....do..	1,405	322	177	464	246	.....	246	447	.....	447	160,000	2,000	162,000	209,553	19,999	229,552
Fire-crackers....do..	44,133	26,294	31,554	42,275	70,477	.....	70,477	121,457	2,000	123,457	9,901	1,450	11,351	9,407	2,195	11,602
Cassia.....pls..	8,140	10,460	6,299	5,660	8,523	.....	8,523	9,409	700	10,109	49,781	.....	49,781	60,046	.....	60,046
Matting .....rolls.	27,201	14,305	20,931	14,232	19,885	.....	19,885	39,130	.....	39,130	7,877	.....	7,877	9,948	.....	9,948
Fans & screens, boxes.	1,564	1,030	1,456	1,584	897	.....	897	3,935	.....	3,935	3,200	.....	3,200	4,867	.....	4,867
Split rattans..bundles	1,252	254	978	840	1,065	.....	1,065	3,090	.....	3,090	783	230	1,013	749	436	1,185
Raw silk.....pls..	214	440	1,278	52	747	330	1,077	662	198	860	707	.....	707	317	.....	317
Rhubarb .....boxes.	1,517	1,097	292	231	516	.....	516	870	.....	870	759	.....	759	937	.....	937
Lacq ware .....do..	27	153	91	423	73	.....	73	110	.....	110	988	.....	988	842	.....	842
Tin.....pls..	.....	660	*1,091	2,000	6,780	.....	6,780	540	.....	540	100	.....	100	87	.....	87
Cassia buds....boxes.	.....	.....	45	80	106	.....	106	106	.....	106	.....	.....	.....	.....	.....	.....

* Pieces.

HUMPHREY MARSHALL,
United States Commissioner.

UNITED STATES LEGATION, *Shanghai, April*, 1853.

[Official No. 14.]

LEGATION UNITED STATES OF AMERICA, SHANGHAI,
May 6, 1853.

SIR: I enclose the consular report from Amoy, made in obedience to my circular of 3d March last. Added to the report submitted in despatch No. 13, this completes as accurate a view of American trade with China as can now be furnished. You will find in enclosure B a correspondence, submitted to my inspection by Commodore Perry, which occurred between that officer and the American vice consul at Canton, and the French minister. It relates to a matter of no interest and of very little importance. I forward it only because my general instructions direct that disposition of it.

Sir George Bonham, the British minister, returned to this place yesterday in the steamer Hermes. He went up the Yang-tsze to a point twelve miles above Nankin, where he found the imperialists in force upon the river. The rebels hold the river from Nankin to Chinkiang-foo, (50 miles,) and the city of Nankin itself. The Hermes was fired upon by both parties, but afterwards explanations took place with each, and reconciliation was affected. The officers of the Hermes rode on horseback through the city of Nankin, and they concur in reporting that no hostility to foreigners was manifested by the rebels, and the intention to attack Shanghai was expressly disclaimed by the chief officers. So soon as the rumors of the result attained by the expedition of the Hermes shall have taken the *appearance* of consistency, I may report them in this correspondence; at present, they convey the shades of individual opinion, as variant as the persons who pronounce the opinions. Sir George Bonham entertains one idea from his opportunities of observation; the captain of the Hermes entertains exactly an opposite view; while the secretary of his excellency believes in yet another, which he expresses freely. When their opinions will be digested, my views generally may be given of the value of their information.

I am, sir, your very obedient,
HUMPHREY MARSHALL.

His Excellency the SECRETARY OF STATE.

P. S. *May* 7.—I saw Sir George Bonham last night. He informs me that the rebel chief is a religious fanatic, or a charlatan; that he claims to have been to Heaven, and to have received a direct revelation from the Almighty; and says that he is the brother of our Savior. He has promulgated to his followers the ten commandments of the Old Testament, with the addition to the 7th of the words: "Or eat and smoke opium." I understand that an interview was arranged, but was broken off on some point of etiquette. The version given by his excellency of the visit leaves me so mystified by the insignificance of what he has attained that I shall wait for further revelations.

Yours, respectfully,
H. MARSHALL.

Mr. Spooner to Commodore Perry.

CONSULATE UNITED STATES OF AMERICA, CANTON,
April 20; 1853.

SIR: In the absence of the American minister, Mr. Marshall, and of Mr. P. S. Forbes, the United States consul, (who also holds the French vice consulship here,) I would ask of you, as the senior naval officer on his station, the expression of an opinion as to my duty with regard to the injuries recently inflicted upon the rigging of the French flag-staff, now standing in the front of the garden of the factories.

The stays were cut first on the night of the 6th or 7th inst.; and, in answer to a communication on this subject from H. E. A. de Bourbaulon, I stated that, if the act was charged against any American citizen resident here, it would be my duty to investigate that charge. My answer was, I believe, satisfactory to M. de Bourbaulon.

The rigging has been cut again; and more than once since that date, but always in the night time.

I have no reason to suspect, and do not suspect, any American citizen of either committing or authorizing these acts of outrage; but this recurrence causes me much anxiety, and if, under the circumstances, you can give me any advice, I shall feel greatly obliged by your doing it.

I ought not to close this without informing you that the French flag-staff has been placed in its present position in opposition to the wishes of the majority of the community, who think their rights thereby invaded; but at a public meeting on the —— instant they by a unanimous vote disclaimed all share in or responsibility for the proceedings against it.

I remain, sir, respectfully, your obedient servant,
D. N. SPOONER,
United States Vice Consul.

Commodore M. C. PERRY,
Commanding United States E. I. Squadron, Canton.

Commodore Perry to Mr. Spooner.

CANTON, *April* 21, 1853.

SIR: I have this moment received your letter, asking, "in the absence of the American minister, Mr. Marshall, and of Mr. Forbes, the United States consul, (who also holds the French vice consulship here,) the expression of an opinion as to my [your] duty with regard to the injuries recently inflicted upon the rigging of the French flag-staff, now standing in the garden in front of the factories."

In reply, I may remark that, being ignorant of the tenure of property or jurisdiction by which the garden is held, it would be improper for me to express an opinion as to the propriety or impropriety of the erection of a French flag-staff within its precincts. But I do not hesitate to say, that since it has been erected, and the flag of a great nation displayed upon it, the inviolability which belongs to every na-

tional ensign should be respected by all lovers of order, whose duty it should be to use every means of detecting those irresponsible persons who, during the hours of night, have stealthily committed the outrages of which you speak.

I know of no other proper mode of settling the question, which seems to have excited so much feeling, than to refer it to the calm decision of legal or diplomatic investigation.

Most respectfully, your obedient servant,

M. C. PERRY,
Commanding East India Squadron.

M. de Bourbaulon to Commodore Perry.

LEGATION DE FRANCE EN CHINE, MACAO,
le 24 Avril, 1853.

MONSIEUR: J'ai reçu hier une communication de Mr. le vice-consul des Etats-Unis à Canton, renfermant des copies d'une lettre qu'il avait cru devoir vous adresser à l'occasion des attentats répétés commis contre le mât de pavillon Français, ainsi que de votre réponse.

Permettez-moi, monsieur, quoique je de vous exprimer ma reconnaissance pour l'appui moral que vous avez donné dans cette circonstance au représentant d'une nation amie des Etats-Unis, en vous prononçant d'une manière aussi noble et aussi décidée contre les attaques clandestines dirigées contre le pavillon de mon pays, et en exprimant qu'il était du devoir de tous les amis du bon ordre d'user tous les moyens en leur pouvoir pour en découvrir et faire punir les auteurs.

Je ne doute pas que l'expression de cette opinion, émaneé d'une aussi haute autorité que la vôtre, n'ait contribué efficacement à donner plus de force encore aux sentiments de reprobation manifestés par la plus grande partie de la communauté étrangère contre de pareils actes, et à éloigner ainsi heureusement la nécessité des mesures que je me voyais dans l'obligation de prendre pour faire respecter le pavillon de mon pays.

J'ai l'honneur d'être, avec une haute considération, monsieur, votre très humble et très obéissant serviteur,

A. BOURBAULON,
Ministre Plénipotentiaire de France en Chine.

Monsieur le Commodore PERRY,
Commandant l'escadre des Etats-Unis dans les mers de la Chine.

MACAO, *April* 25, 1853.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday, and am highly gratified to learn from its contents that my letter to the United States vice consul at Canton, with respect to the dastardly acts of some midnight prowlers in that city, has met your approbation.

It is impossible that the sacredness of the flag of France can, in the remotest degree, be affected by these petty annoyances, the perpetra-

ors of which would be the last to meet the responsibility of their own elinquencies. But I sincerely hope they may yet be discovered and rought to signal punishment.

With great respect, I have the honor to be your most obedient servant,

M. C. PERRY,
Commander-in-chief of the United States naval forces in the East India, China, and Japan seas.

His Excellency A. BOURBAULON,
Minister Plenipotentiary of France to China, Macao.

U. S. STEAM-FRIGATE MISSISSIPPI, AT SEA,
April 30, 1853.

SIR: As, in the absence from Canton of the principal functionaries of the United States legation, a matter was referred to me by the vice consul, Mr. Spooner, I deem it proper to place in your possession, as pertaining more particularly to the legation, a copy of the correspondence which grew out of the application of that gentleman.

It is needless, I presume, for me to say that I should have declined any official interference with this business had you or Dr. Parker, or the consul, been present; but as I found Mr. Spooner, who, in my opinion, has acted with great prudence and discretion, somewhat embarrassed, I did not hesitate to reply promptly to his letter.

A copy of the correspondence has also been forwarded to the Navy Department as a part of the usual report of current details of my official transactions.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commander-in-chief of the United States naval forces in the East India, China, and Japan seas.

His Excellency H. MARSHALL,
Commissioner of the United States to China.

LEGATION OF THE U. S. OF AMERICA, SHANGHAI,
May 4, 1853.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ult., enclosing a correspondence between yourself and Mr. Daniel Spooner in regard to the secret injuries inflicted upon the French flagstaff at Canton; as also between his excellency M. de Bourbaulon, the French minister, and yourself, connected with the same subject.

I am your obedient servant,

HUMPHREY MARSHALL.

Commodore M. C. PERRY,
Commander-in-chief of the United States naval forces in the seas of China and Japan.

Mr. Bradley to Mr. Marshall.

UNITED STATES CONSULATE, AMOY,
March 25, 1853.

SIR: I have the honor to acknowledge the receipt of your two despatches per steamer Rattler on the 16th instant—one under date 22d February, announcing the death of the Hon. Daniel Webster, late Secretary of State; the other under date 3d March, relative to the number of American vessels entered and cleared at this port, the duties paid, consular accounts, statement concerning Chinese emigration, &c.; to which I have now the honor to reply.

As this consulate was not established until 1849, I have been able to get correct accounts of American vessels entered and cleared only since 1846. The statement of the annual number entered and cleared, together with their tonnage and amount of duties paid, please find on the accompanying list to date.

No moneys have been received for judicial services at this consulate, and the amount expended for such services has been $8; being payment to linguist at two judicial examinations on two cases brought before the consul by resident citizens of the United States.

No punishments have been inflicted upon any American citizen or citizens, nor have there been any amounts adjusted or claimed by some residing within this consular jurisdiction.

This port has not had, since the reopening of its trade in 1843, any direct American commerce; and until its really superior advantages as a tea market are understood, it can have none. The Ankoi Hills, where the black tea grows, are 500 miles nearer Amoy than any of the other ports in China; so that not only the immense expense of hand-carriage might be saved, but also the new tea here could be had several months earlier than at Canton.

Chinese emigration from this place has been carried on with much activity for the last three or four years; the people have been taken to Cuba, Sidney, Demerara, Callao, and Honolulu.

The people of this province are generally very quiet and industrious, and seem quite different from the natives of Canton and vicinity; they are also enterprising, and disposed to emigrate; and hence there has been until recently no difficulty in procuring any number required.

Those that have emigrated from this province since 1847 have been shipped from this port. Recently emigrants have to some extent been obtained from the northeastern part of the Canton province, and shipped from a place near Namas called Swatan. The emigrants go under a contract to labor for a term of five to eight years, at $3 a $4 per month wages.

The number of emigrants shipped yearly, commencing with 1847, is as follows:

1847—to Havana	640
1848—to Sidney	120

1849—to Sidney		150
1850—to Sidney		406
1851—to Sidney	1,478	
to Honolulu	199	
		1,677
1852—to Havana	2,442	
to Sidney	1,077	
to Honolulu	101	
to Callao	404	
to Demerara	1,257	
to California	410	
		5,691
1853—to Havana	2,123	
Sidney	254	
Calloa	500	
Demerara	320	
		3,197
		11,881

The parties that the emigrants were shipped to in Havana are Messrs. Villoldo, Wardrop & Co., and Don Clannel B. Pereda, those firms acting as agents for the Spanish government.

To whom the emigrants go to at the other mentioned places, I have not been able to learn.

I enclosed a list, showing the number of emigrant ships sailed from this port and at Swatan, with their flag-destination and the number of emigrants per each vessel; also, two copies of agreements generally used, consular returns since 1850, imports, exports, statement of since 1847, as near as could be ascertained.

With the highest respect, I have the honor to be, sir, your obedient servant,

C. W. BRADLEY, Jr.

Emigration of contract laborers to Havana since 1847 *to date.*

Date.	Flag.	Vessel's name.	Number of men.	Where from.
1847.				
January	Spanish	Ogueudo	220	Amoy.
March	British	Duke of Argyle	420	Do.
1852.				
August	do	British Sovereign	313	Do.
September	do	Panama	349	Do.
October	do	Gertrude	350	Do.
Do	do	Blenheim	453	Do.
November	do	Inchinnan	355	Namas.
December	do	Lady Amherst	275	Amoy.
Do	do	Sir Thomas Gresham	347	Namas.
1853.				
January	Spanish	Indian de Unzuela	350	Do.
Do	British	Columbus	300	Amoy.
February	Spanish	San Andres	383	Namas.
Do	do	Bella Gallega	390	Do.
March	British	Medina	450	Do.
Do	do	Sappho	250	Amoy.

Emigration of contract laborers to Sidney since 1848 *to date.*

1848.				
July	British	Nimrod	120	Amoy.
1849.				
November	do	Cadet	150	Do.
1850.				
March	do	Gazelle	134	Do.
November	do	Duke of Roxburgh	272	Do.
1851.				
August	do	do	240	Do.
September	do	Ganges	224	Do.
Do	do	Arabia	196	Do.
October	do	General Palmer	335	Do.
November	do	Statesman	180	Do.
December	do	Amazon	303	Do.
1852.				
January	do	Eleanor Lancaster	340	Do.
Do	do	Spartan	250	Do.
November	do	Eleanor Lancaster	260	Namas.
Do	do	Royal Saxon	327	Amoy.
1853.				
January	do	Spartan	354	Do.

Emigration of contract laborers to Honolulu since 1851 *to date.*

1851.				
November	British	Thetis	199	Amoy.
1852.				
November	do	Do	101	Do.

Emigration of contract laborers to Peru since 1852 *to date.*

Date.	Flag.	Vessel's name.	Number of men.	Where from.
1852.				
July	Peruvian	Empressa	404	Amoy.
1853.				
March	British	Nepaul	500	Namas.

Emigration of contract laborers to the British West Indies since 1852 *to date.*

1852.				
July	British	Lord Elgin	155	Amoy.
September	do	Glentanner	305	Do.
November	do	Samuel Boddington	352	Do.
December	do	Australia	445	Namas.
1853.				
March	do	Lady Flora Hastings	320	Do.

Emigration of contract laborers to California since 1852 *to date.*

1852.				
March	American	Robert Bowne	410	Amoy.

AMOY, *March*, 1853.

Memorandum of agreement made and entered into this ——— day of ———, in the year of our Lord one thousand eight hundred and ———, between ———, a native of China, of the one part, and ———, of ———, in the territory of ———, New South Wales, ———, of the other part, witnesseth, that the said ——— agrees to serve the said ———, and such person or persons whom he may place in charge over the said ———, in the capacity of shepherd, farm and general servant, and laborer in the said territory, for the term of five years, to commence from the date of the arrival of the said ——— in the said territory, and to obey all his lawful orders, and the orders of such persons as may be placed in charge over him. And the said ——— agrees to pay the said ——— per month, the said amount to be paid in dollars, or in sterling British money at the exchange of four shillings per dollar. And also to provide the following weekly rations, namely: 8 pounds of flour, or 10 pounds of rice, at ——— option, 9 pounds of meat, and 2 ounces of tea.

Yo, ———, natural del pueblo de ———, provincia de en China, de edad de ——— años y de oficio declaro que he convenido con el agente del Señor D. Ignacio Fernandez de Castro, de Cadiz, en embarcarme en el buque ———, con objeto de trasladarme á la Habana, en la isla de Cuba, obligandome desde mi llegada á desembarcarme *en ella á las ordenes* de D. Manuel B. Pereda, á la persona á

quien se traspase esta obligacion á cualquiera clase de trabajo que se me destine ya en los Ingenios á otras fincas durante las horas acostumbradas como fuera de ellas segun convenga á las espresadas personas y á ejecutor los trabajos por cuatro pesos de salaris al mes, que empezarán á correr á las veinticuatro horas de saltar á tierra en la Habana, la manutencion será de ocho onzas de carne salada, una y media libras de platanos boneatos ú otras raices alimenticias; asistencia de medico y enfermeria; dos mudas de ropa, y una frazáda anuales y una camisa de liana; conveniendo en que en los casos de enfermedad, si esta escediese de quince dias. Se me suspenda el salario hasta que vuelva á trabajar contimándose entretanto la asistencia de enfermeria cumpliendo con estas obligaciones por espacio de ocho años continuos que se fijan por término de este contrato, cumplido el cual que daré en libertad de obrar como mejor me parezca.

Mi pasage y manutencion á bordo del buque espresado será de cuenta de D. Ignacio Fernandez de Castro, de quien confieso que he recibido por mano de su agente la cantidad de ——— pesos fuertes en oro ó plata para mi habilitacion en el viaje que voyá emprender y dos mudas de ropa nueva para saltar en tierra importantes ——— pesos á condicion de que los ———, que suman ambas partidas las pagaré en la Habana, á la órden del espresado D. Manuel B. Pereda, con un peso al mes que se me descontara de mi salario por la persona á quien fuese traspasado esto contrato, entendiendose que por ningun otro concepto podrá hácerseme descuento alguno. Y en fé de que cumpliré punctualmente con las obligaciones que quedan espresadas, firmo el presente contrato, en Emuy, á ———, de ———, de 185–.

Consular returns of American vessels arriving at and departing from the port of Amoy, in China, from the 1st day of January, 1850, to date.

Date of arrival.	Class.	Name.	Tons.	Master.	Crew.		Where from.
					Am.	For.	
1850.							
Feb. 11	Ship...	Helena	597 81	John Lomd.....	10	3	Shanghai.
May 17	Brig....	Ernain.....	290 87	Thos. Mickull, jr.	10	4	Hong Kong.
June 19	Ship...	Stephen Surnam	453 37	Ray L. Clark...	8	4	Do.
			1342 15		28	11	
1851.							
April 11	Ship...	Chowming.....	535 25	Wm. C. Johnson	12	4	Whampoa.
May 4	Barque.	Race Horse.....	514 49	John Porter....	....	24	Hong Kong.
			1040 74		12	28	
1852.							
Feb. 10	Ship....	Robert Bowne...	504 92	L. Bryson.....	8	5	Honolulu.
Mar. 27	Barque.	Dragon.....	289 80	Nath'l Andrews.	8	2	Hong Kong.
April 19	Ship....	Robert Bowne...	504 42	.....	7	4	Putback.
22	Barque.	Dragon.....	289 80	Nath'l Andrews..	8	2	Whampoa.
24	Barque.	Ares Iris.....	252 45	George Coffin...	....	9	Do.
May 15	Barque.	Dragon.....	289 80	Nath'l Andrews..	8	2	Do.
			2131 69		39	24	

Consular returns of American vessels—Continued.

Where belonging.	Ports touched at.	Cargo inward.	Value inward.	Amount of cargo inward.	Cargo outward.	Value of outward.	Crew out.		Date of departure.
							Am.	For'n.	
									1850.
New York...	San Francisco and Shanghai.	None	.....	None.....	9,267 pls. rice, sandal wood, and birds' nests.	$20,557	9	4	March 2.
New York...	Shanghai and Hong Kong.	3 to 5 bales India cotton; 65 bales yarn.	$19,500	All	Treasure	15,000	10	4	May.19.
Baltimore....	Bremen and Hong Kong..	1,403 India cotton, yarn and piece goods.	80,500	All	Black teas, sugar, sugar candy, and sandal wood.	11,100	8	3	June 27.
			100,000			46,657	27	11	
									1852.
New York...	Whampoa and Hong Kong	3,064 bales India cotton..	$75,634	All	Treasure	.....	12	5	April 22.
Boston.....	.....	1,000.....do	24,750	All	Treasure	$49,000	.....	24	May 8.
			100,384			40,000	12	29	
									1852.
New York...	None	None	.....	.....	Emigrants	.....	7	5	March 21.
Boston.....	Cumsingmoon	Cotton and drills	$34,000	All	Iron	$1,800	8	2	April 1.
Boston.....	Hong Kong	906	20,000	All	Sugar candy	3,600	8	2	April 25.
Boston.....	....do	Cotton and piece goods...	26,000	All	General cargo	3,000	.....	9	May 12.
Boston.....	....do	Cotton yarn and piece goods.	39,300	All	Sugar candy	2,700	8	2	May 18.
			119,300			11,100	31	20	

UNITED STATES CONSULATE, *Amoy, March* 25, 1853.

I hereby certify that the foregoing is a true abstract from the records of this office.
Attest:

C. W. BRADLEY, JR.

Statement of the number of American vessels arrived and cleared at the port of Amoy since 1847, with their tonnage, and duties paid to the Chinese government, as far as can be ascertained.

Year.	No.	Tonnage.	Cargo.	Duties paid.
1847..	6	1,630	General cargo	$5,500 00
1848..	None.			
1849..	5	1,580	Yarn and shirting	5,750 00
1850..	3	1,342	do	3,300 00
1851..	2	1,049	Cotton	6,040 00
1852..	6	2,131	Cotton yarn and piece goods	7,570 00
	22	7,732		28,160 00

EXPORTS.

1850.—In three vessels, duties paid	$4,735
1851.—In two vessels, duties paid	.....
1852.—In six vessels, duties paid	3,700
	8,435

[Official—No. 15.] LEGATION OF U. S. A., SHANGHAI, *May* 20, 1853.

SIR: I have the honor to submit herewith the following enclosures, to wit:

1. A statement by a committee of American merchants in regard to the disadvantages of trade for the want of a convenient currency in China, with suggestions as to future action on the subject.

2. Correspondence between American merchants in Shanghai, Mr. Marshall, and Commodore Perry, in relation to the withdrawal of the entire naval force of the United States from Shanghai.

3. Correspondence between Mr. Marshall and Commodore Perry in relation to the service of a national ship, to await the reception of the United States Commissioner.

4. Correspondence between Mr. Marshall and Commander Kelly in relation to the Plymouth at Shanghai, and his reply thereto.

The especial attention of the President is respectfully requested to No. 3 of these enclosures. I regret to observe that a disposition to disregard and to resist all requests made by persons holding civil appointments abroad, prevails among the officers of high rank in the navy of the United States, and is fast becoming an *esprit du corps*. This is not only a source of inconvenience, as obstructing the due performance of public duty, but sometimes unfavorably affects the consideration due to the public functionaries of the United States by the people of foreign lands. My correspondence with the department will prove the manifestation of this spirit towards me by Commodore Aulick, and now it is matter for complaint in the case of Commodore Perry, whose proceedings here have, in my opinion, inflicted deep injury upon the United States in their relations with China.

The Department of State is already advised of my exertions to procure a presentation of my credentials to this government, and of each step I have taken.

Immediately upon his arrival at Shanghai, Commodore Perry transferred his broad pennant to the Susquehanna, and announced his intention to depart at an early day for the special service to which he is assigned. He made his preparations accordingly. I did not conceive it to be within my province to interfere in any manner with his arrangements, however unfortunate for the United States interests I deemed them, because the government had, in its discretion, withheld from me a knowledge of his instructions, and of the nature of the duty confided to him. But I presumed that Commodore Perry—with a full knowledge of the relations in which I stand to China, and of the progress I had made in the attempt to communicate with this government—would consider it a duty, before his departure, to provide proper facilities for my prosecution of the mission intrusted to my guidance. I never doubted that he would leave *one* ship-of-war on this coast for my personal protection, and to meet any emergency that might arise in the intercourse between the United States and China.

On the 7th of May the merchants of the United States resident at Shanghai addressed to me the letter which I have transmitted herewith, in which they call my attention to the rumor that Commodore Perry designed to withdraw *the entire force* from this coast. It then became my duty to address him upon the subject. Aware of the feeling entertained sometimes by officers, jealous of interference with their command, I was cautious to present the inquiry in such manner as not to awaken any exhibition of that weakness, or to afford room for a suspicion that I desired to impede his movements in the least degree. The nature of his reply of the 11th May displayed to me the expediency of bringing before his notice, officially and formally, my own claims for a ship, and a review by him of my situation and relations to China. I thought my application would strengthen that of the merchants of Shanghai, as one ship could perform the double duty of protecting the American interests here by her presence, and of affording to me the apparent or actual means of prosecuting my mission. It was plain that I could not desire the use of that ship elsewhere so long as danger threatened Shanghai; because for that period my duty would compel my own personal presence here. The reply of Commodore Perry was delayed until midday on the 17th, when it was delivered to me, and he left this port about four o'clock the same evening, without favoring me with the character of the orders he had given to the Plymouth; without informing me of his own destination, or in any mode seeking to establish a future communication between us. I do not know, consequently, whither he has gone; and were circumstances to arise here requiring imperiously the presence of a naval force, I should be at a loss to know to what place to despatch a vessel in search of him. Yesterday I addressed a note to Commander Kelly, which, together with his reply, I enclose herewith. The President will see, from the reply of Commander Kelly, that the rendezvous of the naval force is a secret, and that the stay of the Plymouth is matter not for *my discretion*, but for the discretion of the subaltern of Commodore Perry. I was informed by Com-

mander Kelly, verbally, that unless some unforeseen emergency shall demand his continuance here, it is his intention, under the discretion vested in him by the commodore, to "follow the commodore" within a week from the date of the departure of the Susquehanna. His anxiety to be "up with *the expedition*" is certainly natural.

I presume the unvarnished truth is, that the Plymouth was left in this port, "at least for the present," with an understanding that she would go to sea as soon as the mail arrives, which is expected in all this week.

When the nature of the order given to Commander Kelly is considered, the first "conclusive reason" assigned by Commodore Perry for his refusal of my demand for the assistance and presence of a ship-of-war, must be deemed very unsatisfactory.

The stay of the Plymouth at Shanghai seems to be determined "for a certain time," (the arrival of the mail,) and afterwards will depend upon the commander of the Plymouth, who is "to remain or to proceed, in accordance with enclosed orders"—a responsibility to be met under his own discretion, limited only by the suggestion from his superior that it was to be regulated by the movements of the insurgents within that "certain time," and under the expressed anticipation by that superior that he would exercise it "within a few days." What "serious inconvenience to the special service" could such a delay of the Plymouth have occasioned, that it is relied on as "a conclusive reason" for the refusal to lend me the aid of a ship—though that ship were the Plymouth—to protect me by her presence, and to assist me to the successful issue of my attempt to be received in a proper manner by this government? Can any man of experience fail to see that Commodore Perry expected the Plymouth to follow him in a few days? Can the President fail to know that this apparent concession to the application of the American merchants for the protection of a ship-of-war—to say nothing of my requisition—is a semblance and not a reality? The usual courtesy, the actual duty, under the circumstances, would have dictated that the stay of the Plymouth would be regulated by *my discretion*, if the concession was made to the apprehension of the merchants. The nature of the service might have been limited by a distinct declaration of its object, and the desire of the commodore that the vessel should proceed to its destination so soon as the *Commissioner* conceived imminent danger to American interests in Shanghai to have passed away. The course pursued by Commodore Perry is, therefore, an indignity to my official character, which it belongs to the government I represent to redress in a proper manner. But as a reason for the refusal of a ship *to assist me*, the order detaching the Plymouth, "at least for a short time," is most weak, impotent, and delusive.

The repetition of my argument to prove to Commodore Perry the propriety of acceding to my request will not be necessary, as the argument itself accompanies this paper. But I must observe, whether my proceedings thus far meet the approbation or disapprobation of the President, *they were taken*, and could have been pursued without hazarding the rupture from which Commodore Perry seems to shrink with such sudden prudence. What have I done? Arriving at Canton in *January last*, I have, since that time, been endeavoring to communi-

cate with the government of China as constantly as the means of transportation were afforded me by commanding officers of the navy. Consulting the supposed predilections of the Emperor, and pursuing at once the precedents furnished by my predecessors, and the means pointed out by the treaty, I have presented myself at the points where I had reason to expect an official through whose instrumentality I could present my credentials to his Majesty. I have exhausted those means. My presence is known to the authorities of China, as appears from the fact that, under the pressure of necessity and an ardent desire to secure the means of suppressing a formidable rebellion, the acting governor-general of *these* provinces addressed an application to me, *in my official character*, requesting me to assist the Emperor with the vessels-of-war of my country. He knew of my presence at Shanghai, because his application was addressed to me *at this place*. Nevertheless, the public authority, though aware of my application for an interview at Canton, and of the absence of the imperial commissioner from that city for eighteen months past, of my presence here, of my desire to communicate with the government, made no movement whatever to facilitate my action. I then addressed a communication directly to the prime minister at Pekin. Should I have been excused—would I have been excusable—had I recoiled after the efforts I had already made, and, in the very presence of the Chinese subordinates, tamely taken up a position outside of the empire, there to await the uncertain termination of this revolution, rather than to address myself, as the envoy of a powerful government, to the sovereign to whom I am accredited? I confess I have no such awe of "his Celestial Majesty"—no such respect for the ridiculous exclusiveness and arrogant pretension of superiority under which he has concealed national weakness. But, above all, I could not so humiliate the President of the United States as to retire voluntarily, without executing the high commission he intrusted to my guidance and direction.

If I fail to discharge my full duty, the fault and the responsibility shall appear together to "our rulers at home." I will be mindful that the record shall vindicate, at the same time, my readiness to seize advantages for my country which are offered by the chapter of passing events, and shall contain testimony of my prudence to avoid a committal of my government to any rash or discreditable position.

By reference to my letter to the prime minister, the President will perceive that, while I suggested my desire to pay my respects to his Majesty at Pekin, I was mindful to guard against the effect of a discomfiture by the presentation of an admissible alternative, clearly within the acknowledged duty of this government. My letter to Commodore Perry discloses the same caution, because I informed *him* that the privilege remained to the Emperor, without a breach of national courtesy, according to the antecedents of intercourse between the two countries, to appoint a commissioner to receive me, and to indicate a place for the transaction of the public business. That place might be Canton, or Pekin, or Shanghai, or some other point along the coast or in the interior, at the discretion of his Majesty. The point of my application to Commodore Perry may be thus summed up: "You know what I *have* done; I have reached a point from which I must have a

reply from Pekin to my communication. I may be required to go there or somewhere else, to meet a commissioner on the part of China. If the court of China will not reply to my letter, I must go nearer than I am at present to know that my communication has been received. If this government will neither receive me nor appoint a commissioner to confer with me, I must then retire from the country. In any event, I want a ship of war, that my nation's flag may protect me in my office while this duty is discharged." That request he has refused. In the peculiar relation I hold at present to this government, I think by that refusal and by his abrupt departure, leaving me without assistance, he has done a grievous wrong to our common country.

The extreme caution evinced in regard to sending a ship-of-war to the mouth of the Peiho is misapplied. My letter expressly makes my visit to that point to depend on one of two contingencies: first, that I am invited to Pekin by his Majesty; second, that I receive no reply to my communication to the prime minister. In the first, surely I should have a ship-of-war to convey me to the nearest and usual point of debarkation for the capital; in the second, the commodore and I are at issue *as to my line of duty*, and he assumes to control my action by refusing the means to pursue my duty, according to my own conviction of it. But should his Majesty indicate another point for an interview between his imperial commissioner and myself, Commodore Perry *has withdrawn the only means at my command to travel to such point!* Suppose the mouth of the Peiho to be the desired terminus of my voyage: is it possible the sloop-of-war Plymouth cannot go where a British seventy-four went in the last century, where the Modeste has since gone, and where divers other ships of heavier draught have frequently sailed? Merchant vessels constantly traverse the gulf of Pechlee. I think it must be unjust to the seamanship of our navy to decide that the Plymouth cannot be conducted where the ships of other nations have been—where, as I understand, the charts show from twenty to thirty feet of water over the entire course to an anchorage within seven miles of the spot. I understand that the feasibility of the voyage to the mouth of the Peiho was referred to a board of masters and commanders, who reported *favorably*, but I do not vouch for the correctness of the rumor that such a board convened. The President can ascertain the fact, if he shall deem it important or desirable.

The most remarkable feature of the letter of Commodore Perry, as well as the most unwarrantable matter, is that passage in which he throws aside the thin excuses of special service and apprehension of the unsuccessful issue of the "experiment," to announce boldly that *he would not furnish the ship did no such reasons for the refusal exist.* His expression is now undisguised. He assumes the right, as a naval commander, to withhold the use of a ship under his command from conveying me to the court to which I am accredited, unless my approach to that court is made in such a manner and at such a point as his judgment shall approve. This pretension amounts to the assumption of a right to supervise the action of the Commissioner, and to render the co-operation of the naval force of the country solely dependent upon the approval of the course of the Commissioner by the naval commander! Such a pretension, fairly sustained, will suggest the propriety

of managing diplomatic relations with foreign countries through the instrumentality alone of the commodores of the navy, whose education and habits fit them peculiarly for the discussion of questions of international law!

It is my duty to request the attention of the President in an especial manner to this communication, for I conceive the action of Commodore Perry (or of the government, if he is complying with the spirit of his instructions) to be impolitic, unfair to the American owners whose property is exposed to risk in the five ports of China, and *grossly unjust and injurious to me.*

The condition of this empire, at the date of my arrival upon its border, promised opportunities to obtain important advantages for the commerce of the United States. Subsequent changes in the aspect of public affairs have increased the chances of success, under prompt and able management. But these ameliorations are not to be obtained by withdrawing the entire naval force of the United States from the shores of China at the moment when its presence is most required. They are not to be secured by imitating the example of the dog in the fable, who lost the substance by grasping at the shadow. They are not to be calculated upon when public authorities of China behold the Commissioner of the United States *put ashore and abandoned by his country's flag,* without any description of national ship to convey him from one place to another; indeed, without the semblance of consideration or respect paid to his office, or to the condition of his public relations.

Most respectfully I submit, that it would be wonderful should the government of China concern itself further as to my fate, or evince in the future any sensibility whatever as to my proper reception under its authority. To me, personally, this conduct is very annoying and vexatious; but it wounds the government I represent, by cheapening the consideration which is paid to its principal representative, and by the utter disregard it displays of the most obvious policy in the present condition of my relations to China. An example will illustrate the detriment the interest of the United States will suffer by this course. Is a residence for your minister at Pekin desirable? The viceroy has applied for the assistance of your naval force to suppress a rebellion. He is told that the *Emperor* must make the application. The will of the Emperor is known through the anxiety of his minister, but *intercourse with the central government* is a point to be attained. *Just at this time* application is made by me to present my credentials at Pekin, and the hope to procure assistance might be expected to operate powerfully on the determination of the question of a change in the Emperor's terms of intercourse with foreign powers. But pending my application for a reception the commodore withdraws from the coast, with the entire force; thus at once cutting off hope and motive to change from the court, and exhibiting me deprived of support or protection. The effect must, of course, be a loss of the desired results. The experience of the President will enable him to appreciate the necessity of sustaining a public agent creditably abroad. I submit this matter to him under a full reliance that, though the opportunity may be lost *to me* of availing of a happy conjuncture of affairs to advance the political and commercial interests of the United States, he will be mindful to see that, so soon as

time will allow, a proper and efficient corrective, and a sure remedy for these indignities, shall be applied.

One remark is due to another statement of Commodore Perry's letter before I close this communication. He thinks my action should be regulated by reference to that of European ministers who have been deputed to the same court.

The citation of M. de Bourbaulon's case, for my imitation, illustrates the misfortune of leaving the diplomatist in the power of a naval commander. The commodore is ignorant of the circumstances which have attended M. de Bourbaulon's residence in this country, when he supposes that functionary to have been a willing or patient absentee from the post to which duty calls him. The fact is, shortly after the arrival of M. de Bourbaulon, a change in the French government rendered it proper for him to pause; this pause was followed directly by letters from the department of foreign affairs intimating his recall to France. Thus he remained for more than a year, supposing that his government had deputed his successor, whose arrival he was directed to await. Only about the period of my own arrival did he receive new letters plenipotentiary under the empire. His short experience meanwhile on this distant *station*, with a naval commander who was disposed to cavil at *his* authority, *induced him to refer the very issue to his home government that is now raised with me by Commodore Perry, and to prefer inaction rather than hazard an attempt to pursue his views as a minister under the assumption by a naval officer* to judge the merits of his public acts, under the pretence of deciding the question of yielding or refusing the co-operation of the fleet when requested.

The case is a most unfortunate one for the commodore to cite, unless it be to prove that he is not treating me in a worse manner than the French minister has been treated by the naval officer who was temporarily in command of the French squadron in these seas.

Under the circumstances which surround me, I can only await calmly the decision of the government in this case, availing myself meanwhile of whatever opportunity may offer to advance the interests of the United States, and lending, by my personal presence in the vicinity of the rebellion, such countenance to my distressed countrymen as the *supposition of my authority* may produce in the minds of the Chinese. Every American ship will very soon have departed from the China seas, to look after the shadowy future which may be enveloped within the "*peaceful expedition to Japan.*"

I am, sir, with great respect, your very obedient servant,

HUMPHREY MARSHALL.

To the Hon. SECRETARY OF STATE, *Washington city.*

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No. 1.

SHANGHAI, *May* 14, 1853.

SIR: We have been deputed by the American merchants at Shanghai to solicit an interview with your excellency, for the purpose of bring-

g under your notice the great disadvantages under which our trade bors through the absence of an authorized currency, and at the same ne to submit the conclusion at which they have arrived as to the le effectual remedy for the evil.

The only legal coin of China is the copper cash, worth the 15th part a cent, though, by treaty regulations, sycee is taken in payment for ities. This fluctuates in price with the value of silver. The shee worth about seventy dollars.

The want of some coin intermediate between these two extreme alues is universally felt, and in the central provinces has been parally supplied by the conventional currency of the Spanish Carolus dolar; but as this is an obsolete coin, of which the quantity in existence s rapidly decreasing, while the transactions it is employed in are as apidly augmenting, its insufficiency has become manifest. The only effectual remedy appears to be the establishment of a national mint in China, at which, on the payment of a fair seigniorage, bar or other silver could be transmuted into an equivalent quantity of coin, which the imperial government would take in payment of duties. A combination of the foreign merchants for this end could not obtain any satisfactory result. The sanction and co-operation of the Chinese government are essential to success; and though the difficulties in the way of procuring these be great, we feel a strong conviction that they are not insuperable, if the foreign governments, deeming the subject of the importance attached to it here, should take the matter into their favorable consideration, and throw in the weight of their advice and influence whenever a new treaty shall be made, or the existing treaties be subjected to revision.

From the interest your excellency has frequently expressed to us individually in the affairs of China and its relations with our country, we believe we have only to bring this suggestion before your mind to secure your favorable consideration of a project the accomplishment of which would be so beneficial, not only to foreign trade, but to the Chinese empire itself.

EDW. CUNNINGHAM,
C. D. NYE,
W. SHEPHARD WETMORE.

The Hon. HUMPHREY MARSHALL,
U. S. Commissioner and Minister Plenipotentiary to China, &c., &c.

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Mr. Marshall to Mr. Cunningham and others.

SHANGHAI, *May* 14, 1853.

GENTLEMEN: The communication with which I am honored by you, in regard to the disadvantages of trade with an insufficient circulating medium for the transaction of business, explains in a very comprehensive manner your view of the evil and the remedy.

I shall take great pleasure in presenting the matter to the President who will cause such instructions to be given as shall best comport with he policy of the United States.

I need hardly observe, that it will afford me a high satisfaction to execute whatever the President may direct.

I am, gentlemen, your obedient servant,

HUMPHREY MARSHALL.

Messrs. CUNNINGHAM,
W. S. WETMORE,
C. D. NYE,
Committee of American merchants.

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No. 2.

SHANGHAI, *May* 7, 1853.

SIR: Having heard some rumors of an intention on the part of the commander of the United States naval force in these seas to withdraw all the American ships-of-war from this port, we deem it not out of place to call your attention to the subject, and to ask your interference if there are grounds for the report.

Without entering into the consideration of the extent of the danger which threatens foreign interests at this time, the disturbed state of the country sufficiently warrants us in expecting and asking, from the authorities of our country, protection for our property, which, we may mention, amounts, at a fair valuation, to $1,000,000 or $1,200,000, now at risk in this port. We beg that we may not be understood as placing belief in the rumor, but it has suggested to our minds the possibility of such a step, and the importance of the subject induces us to address you.

We have the honor to remain, sir, very respectfully, your most obedient servants,

RUSSELL & CO.,
WETMORE & CO.,
AUGUSTINE HEARD & CO.,
BULL, NYE & CO.,
SMITH, KING & CO.

The Hon. HUMPHREY MARSHALL,
Minister of the United States to China, &c., &c., &c.

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Mr. Marshall to Commodore Perry.

LEGATION OF THE U. S. OF AMERICA, SHANGHAI,
May 11, 1853.

SIR: I have the honor to enclose a copy of a letter addressed to me by the mercantile firms of this city composed of citizens of the United States. I have not undertaken a reply to it, because I am not placed by the President in possession of your instructions from the government, and therefore cannot be presumed to know whether your duty under those instructions will require the withdrawal of the whole naval force from this place or not.

The letter discloses a large property belonging to American owners

now exposed to risk, and certainly the condition of China at present renders all property now at this place insecure; for, though no danger seems to threaten Shanghai at this moment, the occupation of the country around Nankin by hostile armies may bring the forces of either party to Shanghai at any time within thirty-six hours. But the present condition of affairs in China is likely to last through this entire season; and it will be your province to decide, under your instructions, upon the relative importance of protecting American interests at Shanghai, by the presence of a ship or ships-of-war, and the immediate application of the entire naval force in these seas to the expedition in which it is understood you are about to engage.

When you shall have decided the proposition, I would be obliged that you would enable me to communicate the result to our fellow-citizens.

I am, sir, very respectfully,

HUMPHREY MARSHALL.

Commodore M. C. PERRY,
United States Commander-in-chief of the naval forces in the East India and China seas, and of the Expedition to Japan.

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Commodore Perry to Mr. Marshall.

UNITED STATES STEAM-FRIGATE SUSQUEHANNA,
Shanghai, May 12, 1853.

SIR: I have had the honor of receiving your letter of yesterday, together with a communication addressed to you by the American mercantile firms of this city composed of citizens of the United States.

In reply, I may remark, that I have endeavored to make myself acquainted with the present condition of things in this part of China, in view of deciding upon the actual necessity of leaving one of the ships of the squadron temporarily here, at a time when the services of my whole force are needed elsewhere.

Before my departure, however, I shall determine the question; and I beg it to be understood that, so long as I command the United States naval forces in these seas, I shall be mindful to watch over the American interests in China, as far as it can be done consistently with obligations of public duty in other ports of my command, and especially with reference to an important mission intrusted to my guidance.

With great respect, I am, &c.,

M. C. PERRY,
Commander-in-chief of the United States naval forces in the East India, China, and Japan seas.

His Excellency H. MARSHALL,
United States Commissioner to China, Shanghai.

Mr. Marshall to Messrs. Russell & Co., and others.

SHANGHAI, *May* 13, 1853.

GENTLEMEN: In reply to your letter of the 7th instant, I have the honor to communicate, for your information, a correspondence between Commodore M. C. Perry and myself in relation to the subject referred to in your note.

I am, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

Messrs. RUSSELL & Co.,
WETMORE & Co.,
A. HEARD & Co.,
BULL, NYE & Co.,
SMITH, KING & Co., *Shanghai.*

No. 3.

Mr. Marshall to Commodore Perry.

SHANGHAI, *May* 13, 1853.

SIR: I have communicated to you verbally an account of my efforts to present my credentials to the government of China, and the nature of the relation in which, at present, I am placed towards the public authority of this empire. You will, therefore, comprehend my embarrassment at the prospect of the withdrawal of the naval force of the United States from this coast at this time.

My reception by this government is matter of deep interest to the United States, and especially to American citizens resident in China, and in my opinion will be materially affected both as to the time, manner, and place, by the presence of a vessel-of-war belonging to the United States to convey me to such point as may be selected by the Emperor for that ceremony.

I should not feel justified, under existing circumstances, in permitting you to depart on the expedition to Japan without making a formal application to you for the aid of a ship-of-war to convey me without delay to the mouth of the Peiho, or as near that point as it will be safe to go—or to such other place as the Emperor may indicate for my reception—there to await until my official introduction to the public authority of China shall have been consummated.

You are aware that, after the fall of Nankin, I addressed an official note to the Prime Minister at Pekin, requesting the Emperor to decide whether my credentials should be delivered in person, or communicated to him through an officer of State; in which note I expressed my wish to be received at Pekin, as most conformable to the consideration due to the government I have the honor to represent. To that note I have received yet no reply, though more than a month has elapsed since it was committed to a proper channel for despatch to its destination. When it was delivered to the taoutai to forward to Pekin, he said a reply might be received in a month; but at the expiration of that time he caused me to be informed that probably two or three months would *pass* before an answer would arrive.

This fact creates a grave apprehension that the letter has either not been forwarded, or has been intercepted by some provincial authority, to whose hands necessity compelled the taoutai to confide it.

In either event it will be my duty, after a reasonable time shall have elapsed to afford opportunity for a response, to move as near as practicable to the court of China, to *present my credentials in person.* I have exhausted the means pointed out by the treaty to communicate with the Emperor, to whom I am accredited, and am brought now to the alternative of proceeding directly to the capital of the Emperor, or of retiring from the country after a refusal by the Emperor to receive me. That act on his part would be of such grave import, that, notwithstanding the spirit of exclusiveness heretofore displayed by the court at Pekin, I do not think his Imperial Majesty would hazard the consequences in the existing condition of government. If he would, the United States cannot ascertain the fact too soon. A faithful but unsuccessful effort having been already made to find access to the court through an imperial commissioner, or a governor-general of the maritime provinces, (of which my letter advises the Prime Minister,) a refusal to receive me, or to appoint a commissioner to transact business with me, in a proper manner, at a suitable place, would exhibit such reckless disregard of treaty obligations, and of the courtesy due to the United States, as to justify the resort to ulterior measures to assert their dignity, and to place their future relations with China on a different basis. The action of the government of the United States in relation to Japan would, in my opinion, be materially affected by such an event; for I entertain no doubt that the interest manifested by the American public in the success of your expedition to Japan rests upon the idea of future progress in peaceful and profitable intercourse with China.

If the Emperor of China, confronted by a formidable rebellion among his subjects against his dynasty, would prefer to hazard war with the United States to an admission of their envoy to his court, yet will not execute his treaty obligations by appointing a proper public officer to adjust questions which arise in the foreign relations of his government, the United States might well desire to modify their policy with regard to Japan *until their future relations with China were more clearly ascertained.*

But it may be said that the serious consequences shadowed forth under this view of the subject may be avoided by the exercise of patience on my part, in retaining my present position, until the affairs of this empire shall be so adjusted that the imperial commissioner, heretofore resident at Canton, shall resume his post. You are aware, doubtless, that more than eighteen months have elapsed already since the troubles of the interior called that officer from the provincial city of the south, and you can see that, instead of the restoration of tranquillity, the cloud of civil war lowers more darkly than ever over the horizon of China. The progress of such a revolution, instead of diminishing the reasons for my prompt and proper reception, increases them in the ratio of the multiplication of chances of interference by the hostile forces with the rights and property of American citizens resident in China. Certainly, if a public minister will ever be wanted to guard the *rights of citizens of the* United States in China, his presence is re-

quired when they have millions at risk, in the presence of a country in hostile array, and agitated to its centre by the passions and schemes of revolution. Again: if ever there can be a moment propitious to the peaceful establishment of that equality of political intercourse with the Emperor of China which is considered desirable by the United States, and which is only to be attained by the introduction of their minister to a residence at Pekin, *the present is the moment.* Shall the United States lose this advantage for the *immediate* pursuit of a scheme which must be considered of secondary importance to whatever affects their political relations with this country? Shall they relapse voluntarily to the unsatisfactory basis heretofore maintained, and now rendered *intolerable* and *humiliating* by the fact that even that arrangement is made to yield, and to be indefinitely postponed, in view of the disturbances of the interior?

There is nothing to be hoped for in Japan equal to the advantages now actually enjoyed in China; and it appears to me no effort should be spared to preserve the beneficial and prosperous commerce already opened with this great, extensive, and productive country. That commerce is now paralyzed comparatively by the civil war in the bosom of the empire; and it may be paralyzed altogether by such a failure on the part of China to fulfil her duty of courtesy and comity to the United States as shall compel my withdrawal from this country. I think that when the presence of your squadron was ordered by the department to aid my prosecution of a *few private* claims upon China, there can be little room to doubt that their spirit and scope would justify your assistance in the more serious *public claim* which is involved by the delay and embarrassment to which I am subjected in procuring an audience from the chief, or even a communication with the subordinate officers of this government, so as to enter upon the disposition of those claims.

But, sir, it is not my purpose to weigh your obligations, or to essay to judge the force of your instructions. I confess myself ignorant of their character and extent. My purpose is only frankly to disclose my own situation, and my purposes, as well as my view of the important matter involved in the speedy resolution of the difficulties of my present position. Alone and unaided, it is palpable I can effect nothing to bring this government to a due sense of the propriety of attending to my reception without delay, much less can I do so should the nature of your instructions compel you to withdraw all your force from this coast while I am applying to establish my diplomatic connexion with the court of China.

It is my expectation to wait a reasonable time—say two or three weeks longer—to learn the fate of the letter I have already despatched to Pekin; and should no reply be received, it is my wish then to avail myself *of the existing condition of affairs in China to secure an official residence at Pekin for the Commissioner of the United States.*

If the conjuncture of affairs now existing shall be permitted to pass without the effort to secure that object, there is strong probability it will be lost for years and years to come.

The government of the United States has always manifested an *anxiety to* secure this point, and has urged it upon the consideration of

my predecessors as one of which the advantage was too important to be neglected upon any opportunity to achieve it. Therefore, *I* am not now at liberty to disregard the circumstances which favor its prosecution.

In my opinion, the speedy decision of the proposition can be effected advantageously by my presence at the mouth of the Peiho to open a communication directly with Pekin. The use of one ship-of-war, in the first place, will be requisite to enable me to reach that position, and her presence will be proper during my negotiation.

But I do not permit myself to doubt that you will find great pleasure, if compatible with the nature of your instructions, or if rendered possible by the absence of a sufficient force to effect your own success in the special service in which you are about to engage, to detach a ship from the squadron for the purpose I have herein indicated.

I am, sir, most respectfully, your obedient servant,

HUMPHREY MARSHALL.

Commodore M. C. PERRY,
Commander-in-chief of United States naval forces in the East India, China, and Japan seas.

—

Commodore Perry to Mr. Marshall.

UNITED STATES FRIGATE SUSQUEHANNA,
Shanghai, May 16, 1853.

SIR: Your communication of the 13th instant has been received, and after a respectful consideration of its contents, with a sincere desire to do that which will best conduce to the honor and interests of the United States, I am reluctantly constrained to say that I cannot see myself justified in employing one of the four vessels of war at present at my disposal in the manner you propose, and for reasons which seem to be conclusive.

Because I have determined, at the expense of great inconvenience to the special service in which I am engaged, and by a virtual departure from the strict letter of my instructions, to leave the Plymouth, at least for a short time, at this place, in conformity with the application made through you by citizens of the United States resident here; and I trust I may be pardoned for dissenting from the arguments held forth by you as to the immediate necessity or expediency of an undertaking, the result of which, if unsuccessful, as in all probability it would be, would doubtless produce unfriendly feelings between the United States and China, and retard, rather than advance, the object so much desired, of establishing an American embassy at Pekin.

With these convictions I could not, even if I were so authorized, consistently co-operate with you in an experiment, the uncertain issue of which might seriously involve our commercial relations with this country, at present upon a comparatively favorable footing, with prospective promises of greater advantages.

We now stand upon the same ground with other great maritime powers, as *no foreign minister* has yet been permitted to reside at the

capital of China; nor has the French minister, Monsieur de Bourbaulon, as I am informed, more than yourself been accredited.

But the question is one which may properly and without inconvenience be referred to our rulers at home; and I hardly need say, that whatever instructions may be addressed to me by the Navy Department will be promptly executed.

Meantime, should the Chinese government, in answer to your application, indicate a willingness to receive you at the capital, I shall be most happy to render every facility in my power to give weight and importance to your mission.

The enclosed copy of a report of Commander Kelly will furnish another reason for the decision arrived at by me.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,

Commander-in-chief of the United States naval forces in the East India, China and Japan seas.

Commander Kelly to Commodore Perry.

UNITED STATES SHIP PLYMOUTH,
Shanghai, May 15, 1853.

SIR: In compliance with your instructions, I have examined the charts and directions for navigating the Yellow sea and the gulf of Petche-See to the mouth or entrance of the Peiho river, and find that, having been visited so little by European navigators, the coast and harbors are very imperfectly known. Many islands have been laid down as having been seen, but their situations very imperfectly defined; and many reefs and sand-banks, that are covered at high-water. It also appears that both the sea and the gulf are subject to very heavy white fogs, at this season of the year, for several days in succession; the currents very strong, averaging from 3½ to 4 knots per hour. I have therefore to report that, in my opinion, it would be extremely hazardous for a vessel drawing the draft of water of this ship to attempt to reach the anchorage off the mouth of the river Peiho. The few European vessels that have heretofore visited this coast have invariably been accompanied by vessels of lighter draught of water, for the purpose of sounding, &c. But even their reports can scarcely be relied upon, as the deposit from the many streams emptying into the gulf is constantly forming new banks.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN KELLY,

Commander.

No. 4.

SHANGHAI, *May* 18, 1853—11 *o'clock a. m.*

SIR: I desire to know whether your orders from Commodore Perry *to remain here* for the present have imposed any limitation upon the

of your stay, by fixing any definite time for your departure or by making it referable to any event now foreseen.
commodore did not communicate to me a copy of your orders, course my present inquiry is based upon no wish to extract rom you, but to regulate my own action by such knowledge of urposes as it may be proper for you to communicate.
sire to write home by the "Hermes," which sails to-night for Kong, and your immediate reply will oblige me.
n, sir, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

nmander J. KELLY,
U. S. Ship Plymouth.

—

UNITED STATES SHIP PLYMOUTH,
Shanghai, May 18, 1853.

: Your communication of this date has been received; in reply to , I have to state that the following is an abstract of my orders:
ccording to the present aspect of affairs, I cannot anticipate any ble move of the insurgents towards this city, and the lapse of a ays may enable you to decide advisedly as to the propriety of your ning beyond a certain time.
he discretion will be left with you to remain or to proceed, in ac- nce with the enclosed orders, whenever you may consider that an do so consistently with the respective claims upon the services ur vessel in the general protection of the interests of the United in these seas."
n then directed, after leaving this, to proceed directly to rejoin the odore at a certain point.
ve the honor to be, sir, your obedient servant,

JOHN KELLY,
Commander.

. HUMPHREY MARSHALL,
United States Commissioner to China.

—

No. 5.

SHANGHAI, *May* 18, 1853,

a committee appointed by the foreign residents of all nations, at hai to co-operate on their behalf with the civil and naval authori- western nations in all matters for the defence of this settlement g to wait upon your excellency, as the representative of the l States of America, to express to your excellency the deep n with which we have seen the departure of the steam-frigates ehanna and Mississippi, and the regret with which we learn e only remaining ship—the sloop-of-war Plymouth—belonging r country, is expected to withdraw from this station in a short

The French steamer Cassini will also leave almost immediately, and his excellency the British plenipotentiary has expressed his intention of despatching the steamer Hermes to-morrow morning; so that we anticipate the withdrawal of the whole naval force of all western powers from the port within a few days, except only the British war-steamer Salamander. This arrangement of force will leave the foreign settlement and a vast amount of foreign property at Shanghai without adequate protection.

It is well known that large armies occupy the banks of the Yangtze Kiang, within one hundred and seventy miles of this place, and that large fleets of boats float upon its waters subject to their command. The city of Shanghai can be occupied by the forces of either party within a very few hours; and it is also infested by a numerous class who, during this paralysis of trade, have no employment, and whose propensities to crime are quickened by their necessities. There can be no doubt that thousands of loose, desperate, and vicious characters are now in Shanghai, ready to swoop upon whatever booty they can find, when the reins of discipline are slackened to afford room for the display of their licentiousness.

We cannot comprehend the meaning of the departure of almost the whole of the naval force which was gathered to Shanghai upon the presentation of the first appearance of danger, when we see no reason to presume that danger more distant now than it was four weeks since. On the contrary, it should seem evident, that as the presence of the large naval force lately congregated here indicated a consciousness of danger and a determination to resist the attack, its withdrawal will operate to produce, in the minds of all, but more particularly in the minds of the Chinese, a conclusion that the resolution to resist has been withdrawn with the departure of the means of resistance; and that, therefore, the opportunity might be seized to make the attack successful.

The reaction, in such case, would be worse than the blow originally warded off, and we cannot but feel it would have been better for Shanghai that no preparation had been entered upon.

Under these circumstances, we most respectfully request that your excellency will take such measures as may prevent the departure of the American war-vessel now in port.

WILLIAM HOGG,
T. C. BEALE,
J. SKINNER,
Committee of Co-operation.

His Excellency HUMPHREY MARSHALL,
Commissioner of the United States.

SHANGHAI, *May* 18, 1853.

GENTLEMEN: I perceive plainly your necessities, and I concur entirely in your conclusions. I consider the danger to Shanghai more imminent now than at any time heretofore; because, as the rallying of a large force for its protection on the first appearance of danger attracted attention to its wealth and importance, and evinced the solici-

ude of western nations to preserve the interests which are here vested rom the effects of the war which is now desolating the interior and paralyzing the trade you have pursued, so the withdrawal of that force suddenly exposes all it came to defend, and leaves to the vicissitudes of war or of rapine property upon which it has only riveted the attention of the belligerents. The armies of the empire and the rebels occupy to-day the same general positions they have maintained for the past six weeks. A change in their lines may produce important results, or the continued occupancy of their present positions may create necessities for subsistence which will bring Shanghai within the range of their detachments. In either event, if a naval force was ever required, I admit it cannot be safely withdrawn until the course of the war shall have taken Shanghai out of the probable range of the contending armies. The Susquehanna and the Mississippi have been despatched upon a special service, for which the Plymouth has also contingent orders. I regret deeply that I am so situated that it is not in my power to say to you, that this vessel at least shall be detained until your safety is assured; but I will say, that I shall take great satisfaction in presenting your communication, together with my own opinion, to the officer upon whose discretion the duration of the stay of that vessel must depend. Were the dispositions of the naval force dependent upon my will, your wishes would be met without hesitation, as they consist with reason, and belong to the exercise of a well-regulated prudence, under the circumstances.

Respectfully,

HUMPHREY MARSHALL.

Messrs. Hogg, Beale, and Skinner,
Committee of Co-operation.

[Official No. 16.] Legation of the U. S. A., Shanghai,
May 26, 1853.

Sir: A despatch from the Department of State, granting leave of absence to Peter Parker, esq., has been received by me, and forwarded to Mr. Parker at Canton. That gentleman accompanied me in March to Shanghai; but, as he is a practising physician at Canton, the separation from his profession and his family involved a very considerable sacrifice. He was also compelled to keep, at his own expense, a Chinese teacher or assistant, to write my despatches into Chinese. He complained of bad health added to these facts, and early in this month I consented that he should return to Canton, as the Rev. Mr. Culbertson agreed to translate any papers I might require during Doctor Parker's absence. The fact is, the appropriation made by Congress for a secretary and interpreter to this legation will not command the services of any person capable of acting in the double capacity, unless, as in the present instance, he pursues ordinarily some other and chief employment in the community. Doctor Parker could not live on his salary from the government, and could not afford to hold the place he occupies, were his services entirely to be yielded to the business of the legation. *Many book-keepers* in the heavy mercantile houses receive

$4,000 to $6,000 per year; an ordinary clerk receives $2,500 to $3,000; a tea-taster, whose only genius is in his palate, obtains a higher salary by far than is paid by the United States to the secretary and interpreter of this legation.

The Chinese language in any of its dialects is very difficult of acquisition, and there are almost as many dialects as there are provinces to the empire; indeed, some parts of the same province use different dialects, and consequently do not understand each other. There is no Chinese grammar, and but a very imperfect dictionary of the language. The written character is the same, as I understand, over the whole empire, but the *styles* are very different in the several provinces. The interpreter to this legation should receive such a salary as to induce some person of capacity to devote his whole time to a thorough acquisition of the Chinese language, so as to be able not only to speak it fluently and correctly, but to write it also; especially in the style and *character* used at court. His position in office should not be liable to the vicissitudes which, under the practice prevailing in the United States, will attach to the office of the commissioner or minister to China. There is no necessity for the combination of the offices of secretary and interpreter, and as the duties are entirely distinct, so the offices should be. An interpreter should not only be required to translate official documents, but to act in the conversations which the minister may desire to hold with the Chinese; indeed, this last will ordinarily be the most frequent duty he will be called to perform. Books and Chinese laws will constantly require translation. Imperial decrees the leading matter of the Chinese newspapers, and memorials to the various boards of government, must occupy his attention. If the min ister is competent to his own duty, he requires a good pensman only and a faithful person as his secretary. I think $4,500 per year woul be a fair, and not an extravagant, allowance to an interpreter; and tha $2,500 would only secure the services of a competent secretary (legation; and I think the offices *should be divided.* These suggestion are made for the consideration of the President, after an acquaintanc with the manner of doing business here. Doctor Parker cannot writ a despatch of mine into the Chinese court language with any confidenc in the correctness of the translation, *if at all.* Hence he employs a assistant, called a *teacher*, to do this part of the business. This teach is a Chinese, who does not understand one word of the English languag The interpreter takes up my despatch and translates it verbally in Chinese, as *he speaks the language;* the teacher catches an idea of th original, and according to *his* finding thereof writes it in the charact used at court. The result is returned to the Commissioner, who do not understand a sign in the Chinese translation, and so he stands com mitted without knowing what variation from his real meaning has bee made in this process of distillation. This is the *present* mode; I su gest the propriety of correcting it, by inducing some one to learn th language, so that he can write and speak it in the essential variatio and dialects—an aim only to be accomplished by securing to a man capacity a good salary and a permanent position. There is no sort probability that, among the mutations of political affairs, the Commi sioner to China will ever be so assured of *his* position as to offer hi

any inducement to qualify himself by learning the language of the Chinese.

In my opinion, it would be good policy to allow a certain number of Chinese writers to be employed at the consulates, connected with the judicial department especially, and one should be allowed to the Commissioner, acting in the judicial capacity; not so much that the services of such are essential to the performance of the duty of the superiors, as that the government of the United States would exhibit a wise forecast in preparing the subordinates for real usefulness who are to serve hereafter with this legation. I have in my employment, temporarily at present, a native of Kwangtung province, whose services I may cite as illustrative of the benefit to flow from an adoption of the foregoing suggestion. This young man is of excellent reputation, and very industrious, sober, and moral. He speaks fluently the dialect of Canton, and writes according to the style in ordinary use there. He received an English education, and resided two years in the United States. He speaks the English language with great propriety—better, I have no doubt, than any other Chinese in the empire—and he writes it also. You have before you a specimen of his penmanship in my despatches Nos. 14 and 15, as well as the present, all of which he has copied from the originals, which are preserved for the archives of the legation. He reads the Chinese written characters with facility, but has not yet learned *the style* of the court characters. He acts as an interpreter when I desire to converse with a Chinese; collects the edicts which are from time to time issued by the authorities; the news as it may be placarded in public places; and translates for me immediately any document I may receive—not elegantly, but in substance, and correctly. How readily might such a person qualify himself to act as interpreter or secretary, and how prudent in the government to employ some persons of like attainments, at first in subordinate positions, with a prospect of promotion, as the reward for exertion and self-cultivation. I hope the President will authorize me to retain this person at present, at a salary at the rate of $600 per year, in the capacity of a writer, that he may be permanently connected with the legation, for his services may soon become invaluable, in many ways, to the Commissioner.

I send herewith a translation in English, by this young man, of a pamphlet issued by the rebel chief, and notes of the same paper by Dr. Bridgeman, to whom I submitted it for translation. The fidelity of the translation may be tested by the notes of Dr. B. I send you also by this mail several numbers of the North China Herald, in which you will find English translations of several pamphlets issued by the rebel chief and his partisans. The translations are worth perusal, and would be curious as republications. I send also a synopsis by Rev. M. C. Culbertson, who supplies Dr. Parker's place during his absence.

Very enthusiastic missionaries behold, in the doctrines avowed by the rebels, persuasive evidence that the moral bread which was cast upon these waters in bygone time is now returning after many days. They hail these declarations of religious belief as the aurora of a more enlightened civilization in China, and they believe that these papers afford convincing proof of the diffusion of a correct knowledge of the benign precepts of Christianity. The rebels avow their belief in one

God who rules the universe; they accept, it appears, the statements of Genesis on the creation, but not more than Mahomet do they accept the Christian plan of salvation. They propitiate the Deity by sacrifices and by offerings in the temples; they permit polygamy; they are fanatical when their new religion is in question; the Christian sabbath is their day of rest; their king asserts his adoption by Deity, and proclaims "by authority" the mandates of Heaven; he adopts the plan of Mahomet to inspire his followers with courage, and, according to report, with equal success. Their temporal code does not reflect any credit upon the discrimination of the new rulers, for it denounces death as the penalty equally for looking upon the empress or princess and for cutting the throat of a neighbor! I incline very much to believe that a cold and crafty agitator has revamped the matter contained in the religious tracts which, from time to time, the missionaries have published in China, and, without any exact idea of the nature of the new doctrine, has drawn around his standard of revolt the discontended spirits as well as the desperate of the provinces through which it has passed. The commentaries upon the commandments, for instance, must strike you as exceedingly absurd. How "opium smoking" can be considered a breach of the seventh commandment, passes comprehension. Could the rebels enforce the construction, they might well be hailed as the saviors of China, and would be entitled to the thanks of the United States, whose commerce with China is taxed in the prices of teas and silks to pay India for the poisonous drug.

I confess that I cannot anticipate any very salutary change from the success of these rebels, for the form and etiquette and spirit of exclusiveness which characterize the existing government seem to be retained, with a few unessential modifications. It may, however, be safely calculated that *this* is but the *initiative* of a revolution which, after successive efforts, will effect a great change in the condition of China, and will sweep away the ridiculous forms as well as the hoary vices of the despotism which for centuries has weighed China below her proper level in the family of nations.

Whether it shall prove to be for good or for evil, the rebellion must thus far be regarded as a successful effort against the existing government. How the dynasty will hold power remains to be seen; for, by the latest advices from the province of Kwang-si, a *new rebellion* against the government has appeared in great force, at the head of which movement are idolators who condemn the religious fanaticism of the sect which possesses Nankin. The imperial government is almost powerless; its energies were soon exhausted; indeed, it possesses none of the elements of national strength, or if it had any, there was a gross deficiency of knowledge how to use them. The new Emperor is in Nankin, the walls of which he has rebuilt and strengthened; his army also occupied Chin-kiang-foo, fifty miles below Nankin, and about ninety from this city; which place (Chin-kiang-foo) has been rendered nearly impregnable by a well-devised system of fortifications. Another detachment is thrown forward some forty miles to Yang-chan, a point on the imperial canal between Nankin and Pekin. In this position he *awaits* attack.

The imperialists have a fleet of four schooners and sixteen lorchas,

ıed and fully manned, which lie in the Yangtze Kiang, two
l a half below the Chin-kiang-foo. They have a land force,
tion with the fleet, of 5,000 men. The rebels at Chin-kiang-
burned the suburbs of the city, so as to give full effect to the
, and impatiently desire an attack.
ıperialists have a fleet of gun-boats which hold the Yangtze
welve miles above the city of Nankin. The imperial army
s the canal at Changchow, which is between Chin Kiang and
'; so that the rebels, in turn, are cut off from that means of sup-
ell as by the river. The line of the imperial army is shifted
ıtheast of the city and of the river, while the force of the rebels
'een the imperialist general and Pekin. Meanwhile the emis-
the rebel chieftain are busy in the southern provinces agita-
masses and stirring up revolution. I enclose herewith a corre-
:e between American citizens at Fuhchaufoo (the capital of the
of Fokien) and myself. Also, correspondence between Dr.
cCartee, at Ningpo, and myself. The last advices from the
: by the Hong Kong newspapers of the 7th instant, bringing
m Amoy and Fuhchow to the 20th of April, at which date the
around Amoy is said to have been in a state of great commo-
. that a body of five thousand insurgents had taken the field
hchaufoo. The same papers report that a *fleet of pirates* has
ıe trade between Formosa and the main land. The capital of
ıi is said to have lately fallen into the hands of the rebels.
has as yet transpired at Canton to create apprehension of a
insurrection in that city. The Cantonese are proverbially the
ergetic, haughty, and worst of all the Chinese, and the most
o foreigners. They may be in arms at any moment. These
prove that this empire is already convulsed to its centre;
the *masses* of the people have not engaged. There has been
ıl based upon the promise of an amelioration of *their* condition,
heir subsistence requires daily labor, they have scarcely looked
their toil to inquire into the nature of passing events. The
ne of this drama may exhibit a population unrestrained by any
nse; uneducated, desperate for the want of subsistence; and, for
loyment on which its honest acquisition depends, overturning
tutions of government and the order of society, and rioting in
and blood. The human mind is the same under every clime;
ıations are varied by education only and circumstances. It
ıe denied that the American citizens in China have good cause
plaint. Their residences have been built; their capital was
upon the faith that they would not escape the attention and
ıg care of their own government. They find themselves within
ex of a revolution without even the means of escape, and when
ch the sea, they find *it* also abandoned by their country's flag.
already called upon to exert unusual and extraordinary powers.
ıay be the fate of American citizens here, and in other cities of
ıefore the government can possibly alter the orders at present
ıg its forces, naval and civil, in this distant quarter of the globe,
ne will develop. It shall be my study, so long as responsibility
me, to meet it fairly, and to extend to my fellow-citizens such

assistance and protection as, under existing circumstances, may be commanded by my exertions. But the exercise of great discretion and unremitting industry will be requisite to prevent the effects of unnecessary panic on the one hand, and to guard against undue exposure to danger on the other. The history of foreigners resident in China holds out a fearful lesson, which will cause the government of the United States to repair with all expedition the error committed by withdrawing protection from their citizens in the very moment of their greatest need.

With great respect, your obedient servant,

HUMPHREY MARSHALL.

The Hon. SECRETARY OF STATE.

Translation by Wong Ashing [*Chinese characters.*]

The heavenly King ordains and proclaims these:

The elder son of the King, and his heir-apparent, be called [Chinese characters] *Yow-chü-wan-soy.* May the young lord live ten thousand years.

The third son of the King be called [Chinese characters] *Wong-sam-tin-ha-tsin-soy.* May the third royal prince live a thousand years.

The fourth son of the King be called [Chinese characters] *Wong-se-tin-ha-tsin-soy.* May the fourth royal prince live a thousand years.

The fifth son of the King be called [Chinese characters] *Wong-woo-tin-ha-tsin-soy.* May the fifth royal prince live a thousand years.

And so on, from the sixth to the hundredth and thousandth son of the King, to be called after the same manner.

The elder daughter of the King be called [Chinese characters] *Tsang-tin-kin,* the elder heavenly gold.

The second daughter of the King be called [Chinese characters] *Ngee-tin-kin,* the second heavenly gold.

And so on, to the hundredth and thousandth daughter of the King, to be called after the same manner.

The elder son and heir of the eastern King be called [Chinese characters] *Tung-tsze-kwang-tsin-soy.* May the eastern heir-prince live a thousand years.

The second son of the eastern King be called [Chinese characters] *Tung-ngee-tin-ha-wan-fook.* May the second eastern prince be blessed ten thousand times.

And so on, to the hundredth and thousandth son of the eastern King, to be called after the same manner.

The elder daughter of the eastern King be called [Chinese characters] *Tsang-tung-kin,* the elder eastern gold.

The second daughter of the eastern King be called [Chinese characters] *Ngee-tung-kin,* the second eastern gold.

And so on, to the hundredth and thousandth daughter of the eastern King, to be called after the same manner.

The elder son and heir of the western King be called [Chinese characters] *Sai-tsze-kwan-tsin-soy.* May the western heir-prince live a thousand years.

The second son of the western King be called [Chinese characters] *Sai-ngee-tin-ha-wan-fook.* May the second western prince be blessed ten thousand times.

And so on, to the hundredth and thousandth son of the western King, to be called after the same manner.

The elder daughter of the western King be called [Chinese characters] *Tsang-sai-kin*, the elder western gold.

The second daughter of the western King be called [Chinese characters] *Ngee-sai-kin*, the second western gold.

And so on, to the hundredth and thousandth daughter of the western King, to be called after the same manner.

The elder son and heir of the southern King be called [Chinese characters] *Nan-tsze-kwan-tsin-soy.* May the southern heir-prince live a thousand years.

The elder son and heir of the northern King be called [Chinese characters] *Pih-tsze-kwan-tsin-soy.* May the northern heir-prince live a thousand years.

The elder son and heir of wing King (or lieutenant King) be called [Chinese characters] *Yih-tsze-kwan-tsin-soy.* May the wing heir-prince live a thousand years.

The daughters of the southern king be called [Chinese characters] *Nan-kin*, the southern gold.

The daughters of the northern King be called [Chinese characters] *Pih-kin*, the northern gold.

The daughters of the wing King be called [Chinese characters] *Yih-kin*, the wing gold.

They are to be addressed in the same manner as the daughters of the eastern and western Kings.

From the ministers to the generals are to be addressed [Chinese characters] *Ta-jin*, great man, (or his excellency,) as [Chinese characters] *Sing-sang-ta-jin*, great man the minister, and [Chinese characters] *Kim-tim-ta-jin*, great man the chancellor, &c., &c.

From the *See-soy* to the two *See-ma*, are to be addressed [Chinese characters] *Sin-jin*, virtuous man; as [Chinese characters] *See-ma-sin-jin*, virtuous man the *See-ma*, &c., &c.

From the sons of a minister to the sons of a general, are to be addressed [Chinese characters] *Kung-tsze;* the son of a duke or the son of a public man as [Chinese characters] *Sing-san-kung-tsze*, for the minister's son, and [Chinese characters] *Kwan-tsze-kung-tsze*, for the general's son, &c., &c.

From the son of the *See-soy* to the son of the two *See-ma*, are to be addressed [Chinese characters] *Tsang-tsze*, officer's son, (or young officer,) as [Chinese characters] *See-soy-tsang-tsze*, for the *See-soy's* son, and [Chinese characters] *Lü-soy-tsang-tsze*, for the sons of *Lü-soy*, &c.

From the daughter of a minister to the daughter of a general, are to be addressed [Chinese cnaracter] *Yook*, a gem; as [Chinese characters] *Sing-yook*, for the daughter of a minister, and [Chinese characters] *Kim-yook*, for the daughter of a chancellor, &c., &c.

From the daughters of a *See-soy* to the daughters of the two *See-ma*, are to be addressed [Chinese characters] *Sent-snow;* as [Chinese char-

acters] *See-sent*, for the daughters of a *See-soy*, and [Chinese characters] *Lü-sent*, for the daughters of the two *Lü-soy*, &c., &c.

NOTE.—The whole book is but a gradation of rank and establishment of titles. It can be translated, if necessary.

SHANGHAI, *Friday, May* 20, 1853.

MY DEAR SIR: Herewith I return the little book, and some six short pages of manuscript—half translation and half notes, for the book is well nigh untranslatable. One of the other small books I shall translate by and by, and will then submit it for your inspection. It is a school-book. Yours, very truly, E. C. BRIDGMAN.

To his Excellency HUMPHREY MARSHALL, *&c., &c., Shanghai.*

Tai-ping Li-chi, or rules for official titles in the great peaceful empire, republished (1852) *in the second year of the dynasty.*

The heavenly King (i. e. the king raised up by heaven) thus ordains and proclaims:

Our ministers, and those under them, shall give the following titles:

To our first son the title, young King;*

To our third son the title, King third court;†

To our fourth son the title, King fourth court;

To our fifth son the title, King fifth court;

And to all over the sixth son to a hundred, nay a thousand, the same order of titles shall be continued.

To our daughters, ministers and all under them shall give the following titles:

To our eldest the title, senior heavenly gold;

To our second the title, second heavenly gold;

To our third the title, third heavenly gold;

To our fourth the title, fourth heavenly gold;

To our fifth the title, fifth heavenly gold;

And so on, in the same manner, to a hundred, nay a thousand.

To the sons of the eastern (i. e. to the second) King, ministers and all under them shall give the following titles:

To his eldest the title, eldest eastern prince;‡

To his second son the title, second eastern prince;

To his third son the title, third eastern prince;

And so on, to all below him, to a hundred and a thousand generations.

To his eldest daughter, ministers and those under them shall give:

To the eldest the title, superior eastern gold;

To the second the title, second eastern gold;

To the third the title, third eastern gold;

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* There is added here: "May he live ten thousand years;" like the phrase, "may he live orever."

† *No second son appears*; and to the title of the third is added: "May he live a thousand *years.*"

‡ *Here is added*; "May he live a thousand years."

And so on, to all below, to a hundred and a thousand.

To the sons of the western King, ministers, &c., shall give the following titles:

To his eldest, &c., &c.

N. B. The same titles are given to these as to the eastern, and to both his sons and his daughters; also to the sons and daughters of the three remaining kings—namely, southern King, northern King, and wing King—the same titles are given.

It is to be kept in mind that there are six kings, as follows:

1. Heavenly King.
2. Eastern King.
3. Western King.
4. Southern King.
5. Northern King.
6. Wing (or lieutenant) King.

All officers, from ministers of the cabinet to the generalissimos, shall have the title of "excellency," (literally, "great man," *ta-jin*,)—thus:

His excellency the cabinet minister; his excellency the chancellor; and so of all the others who are of these grades.

N. B. Titles equivalent to "his honor," "her ladyship," "squire," "madam," &c., &c., all come in course.

After specifying the titles of several grades of officers, those for gentlemen and ladies of the court, and those for the brothers, uncles, &c., of the kings, are given; but to do anything like justice to the subject, it would be necessary to write a book.

In the few titles I have touched, some I have rendered literally, and some by attempting to give their equivalents.

It is worthy of note that the chief, while he takes the title *Tien Wang*, "heavenly King," rejects and forbids the use of the terms "holy" and "supreme."

If I rightly understand the phrase "heavenly King," it is here employed somewhat like the old English "James, by the grace of God, King," &c. Every dynasty takes the prefix "great;" thus, the Manchus have it "*great pure dynasty*," and here it is "*great pacific dynasty*;" or rather, as given on the cover of the book, it is *ta ping tien kwoh*, "great pacific heavenly kingdom."

Contents of books published by the Kwang-si insurgents, brought from Nankin by her Britannic Majesty's steamer Hermes.

I.

The first 28 chapters of the book of Genesis, as translated by Mr. Gutslaff.

II. *Almanac for the third year of the Tae Bing dynasty*, (1853.)

The year commenced on the 4th February, and contains 366 days. It is divided into 12 months, the odd months having 31 days, and the even

ones 30 days each. The preface declares that it is the purpose of the authorities, by whom it is issued, to do away with all false notions by which men have hitherto been deceived; years, months, days, and times are all alike, and the distinction of lucky and unlucky times is false and useless. All business, therefore, may be transacted at any time, and if done in the fear of the Supreme Ruler will be prospered as much at one time as at another. This statement is made to explain the reason why the lucky and unlucky days are not marked, as they have always been in the imperial almanac. The Sabbath is noted opposite the date of its occurrence, and is the same day with that observed by foreigners. There can be no doubt on this point, because in the cycle of 28 days, corresponding with the 28 constellations, each day is designated by the name of a constellation; so that each day of our week is represented by four different characters in science, and these characters, Hen, Fông, Sing, Moon, correspond with the Sunday from year to year, and these are the days marked in this almanac as the Sabbath.

II. *Book of instructions of the Tae Bing dynasty.*

This book opens with a poem of 104 lines. It is entitled "*The Song of Salvation.*" It declares that there is but one *true God*, and that all men are one family. It enumerates various sins common among men. The first is *lasciviousness;* by this men transform themselves into beasts, which God abhors. The second is *want of filial piety.* This is to rebel against heaven. The lamb kneels to take its milk; the young raven in turn nourishes its parent. The third is *mutual slaughter and injury.* All men are one family, and God looks upon all alike as his children. To slay others is to slay yourself; to do good to others is to do good to yourself; to help others is to help yourself; to injure others is to injure yourself. The fourth evil is *robbery and theft*, which is illustrated by names and incidents recorded in ancient history. The fifth evil is the use of *magic arts;* death, life, calamities, sickness, are all ordained by heaven, and no man can prolong his own life. The dealers in magic do but delude the poor people in order to fill their own purses. The sixth evil is *gambling;* this is a knife concealed from view, aimed at your life. Beware! beware! beware! Riches and poverty are ordained by heaven. Man's life is like a dream in the third watch of the night; why, then, take thought and look forward with anxious solicitude?

To smoke (*opium*) is to throw yourself into a pit. To love wine is not good. To pretend to fortune-telling is to insult God.

There are many other kinds of evil which each can recollect for himself. Be careful in small matters; avoid the beginning of evil or your virtue will be endangered.

Then follows another song, in which sundry examples of virtue are quoted from the ancients. It is in praise of the hundred virtues. The third article is "a discourse to awaken the age." It denounces selfishness, and enjoins mutual good-will among all men. Beware of selfishness; one country bears enmity to another, and in the same country this department, district, village, or clan, hates that department, district, village, or clan. The August Supreme Ruler is the common father of all under heaven. Whether belonging to the central country or to foreign countries, it is the August Supreme Ruler, who is alike the Lord and governor

of all; and it is He who produces, nourishes, and preserves all. Under the whole heaven all men are brethren, all women are sisters.

The fourth article, which occupies the whole of the latter half of the pamphlet, is entitled "a discourse to arouse the age." Then following is a translation.

All under heaven are one family. With respect to the body, all have their own father and mother, and family clans, just as they have territorial divisions. But the myriads of clans have all proceeded from one clan; and that one clan came from a single ancestor. Thus, as to their origin, there is no difference.

With respect to the soul: from whence has every soul sprung—from whence proceeded? They are all derived from the August Supreme Ruler. It is said, "one root expands into ten thousand branches; ten thousand branches are traced back to one root." Kung Keih says: "That which is derived from heaven is called '*nature.*'" The ode says: "*The people are all the offspring of heaven.*" The Shoo-king says: "*It is heaven that produces the people beneath.*" These are wise sayings, and are not in the smallest degree erroneous. From this, it appears that the sages regarded all the world as one family. At that time the people all regarded each other, and could not endure for a single day to forget their brethren throughout the world. But in modern times there is the false notion that there exists the demon, Yen-lo, (King of Hades—Pluto,) who presides over life and death. This demon, Yen-lo, is the old serpent, the devil, who performs many wonders to entangle and seize the souls of all the world. Our brethren throughout the world ought to destroy him. It is only to be feared they will not be in sufficient haste to do so. Men, on the contrary, stretch out their necks to him. Why should they themselves put away the happiness of heaven and bring upon themselves the misery of hell? With reference to doctrine, there is that which may be certainly known to be true. That which is in vogue at the present time, but was not received in ancient times, which is in vogue near at hand but not afar off, must be false, corrupt, and contemptible doctrine. For example, fiendish men say that Yen-lo presides over life and death; but if you examine the Chinese classics, there is nothing said about it; or, if you examine the Holy Scriptures of foreigners, there is nothing said about it. This being the case, where did this doctrine originate? The fiendish disciples of Buddha have put it forth. They themselves walk in a blind way, and scheme after and procure gain. They deceive men by that which they cannot understand, and sell their own deceptions. They deceive men by pretending to confer happiness and performing religious rites, their sole object being to fill their own purses. Furthermore, the devil has entered into their hearts, and they have fabricated innumerable hellish and corrupt notions to delude, injure, and entangle men. Another example: In the time of the Tsin dynasty, fiendish men, lying, said: "In the eastern sea there is the hill of the three divinities." The Emperor therefore sent to the sea to seek this hill. From this arose the false notion of the existence of genii. If you examine the origin of it, you find that it does not reach back further than the time of the Tsin dynasty, which was in this way deceived. After generations followed this example, until the knot became too hard to be untied.

Thus "a difference of a hair's breadth leads to the error of a thousand," (le miles.)

Again: in the Han dynasty, in the reign of Woo, fiendish men, lying, said: "If you sacrifice to the god of the kitchen, you may change red sand into yellow gold." Woo at once believed this, and offered the sacrifice. Thereupon, from Yen and Tse, came a multitude of lying fiends telling of the wonderful genii.

Again: in modern generations, fiendish men have falsely said that the dragon demon of the eastern sea causes rain. This is no other than the demon Yen-lo in another shape. That rain descends from heaven every one can see with his own eyes. Mencius says: "When the heavens are covered with dense clouds the rain will fall in torrents, and the young rice will rapidly spring up." The ode says: "When heaven above moves the clouds the snow descends, and then the quiet, gentle rain; abundant, fertilizing, watering the earth to the full, and producing for us the hundred kinds of grain." Moreover, if you examine the book of the Old Testament of foreign countries, you find that in the time of Noah, because men were disobedient, and their crimes were great, the August Supreme Ruler caused a great rain to fall during forty days and forty nights, and the flood arose and drowned the world. All these are clear testimonies to the fact that the rain indeed descends from heaven, and besides, the eyes of all can see it. Yet men believe all kinds of absurd teachings of things not to be found in the classics. With reference to the single point of the origin of rain, they have totally lost uprightness of heart and been exceedingly ungrateful to heaven. As to other points, time would fail to speak of them.

Again: in modern times, there are those worthless Buddhist priests who teach their lying doctrines about the demon Yen-lo. They have the absurd book Yub-leih-ke in falsehood circulating it among men; and then, when they read other books, they are to them but dead books, (without effect;) and many are, therefore, deceived. Why do they consider that to preside over life and death is not a trivial affair? Since it is a matter of importance, it must have been treated of both by Chinese and by foreign sages, in books to be handed down to other generations,

Now, if you examine what has been said by the ancient sages of China and foreign countries, in books to be handed down to after ages, you will find that they say nothing more than that life and death are ordained by the August Supreme Ruler, and by Him only. They are not in the smallest degree dependent on the demon Yen-lo. Those sages only say that the August Supreme Ruler will judge all men; that His decisions control the people beneath, and that He descends in majesty. In this, also, the demon Yen-lo has not the slightest concern. Yet men read (good) books as dead, and do not believe ancient or modern, near or remote, circulating classics; but believe the absurd, lying, newly sprung-up books of fiendish men. Is this not to be deceived indeed? This arises from the universal nature of men to love life, and dread death; to long for happiness, and dread suffering. By means of this universal feeling it is easy to gain access to men's hearts. Thus, by means of corrupt teachings, many throughout the world are prostrated, and believe and follow it. When they have believed and fol-

lowed it a long time, and become accustomed to seeing and hearing it, they are firmly glued to their errors. When firmly glued to their errors it will be difficult to discover a place of escape, and when difficult to discover a place of escape, it will be hard to get out from the enclosing wall.

The August Supreme Ruler, in every age, produces intelligent and wise sages, and there is no age in which there are not also some who are blown prostrate by the wind (of false doctrine.) * * * Great indeed is the love of men for falsehood. They look not for its source; they will not consider its end. If a thing is but false, they willingly listen to it. All men throughout the world, although they are so numerous, are created by the same Supreme Ruler. If produced by Him, it is He also that causes their growth, and they are dependent on Him for food and raiment. The August Supreme Ruler is the universal father. Death, life, calamity, happiness, are alike from Him. Raiment, food, and every needful thing, are made by Him. If we look up to heaven, the sun, moon, stars, thunder, rain, wind, clouds, are all derived from His infinite wisdom. If we look down upon the earth, the hills and plains, the waters and streams, the birds and fishes, insects and plants, are all the product of His almighty power. All these may be clearly seen and understood. Therefore, he is the true *God*, and all, in every place under heaven, ought to worship Him. Some may yet obstinately cavil and say: "The August Supreme Ruler ought indeed to be worshiped, but there must be some to help Him, just as all Kings must have officers to assist them in governing." Do not such know that the officers of the King must be appointed by the King himself, and after that (and not before) may assist in governing? With reference to the idols which men have set up of wood, and stone, and clay, and pictures on paper, I would ask if the August Supreme Ruler has appointed them? No; these are all derived from men's minds being so deluded by the devil as to make, according to their own stupid purposes and devices, every kind of strange and monstrous thing. Of old, the August Supreme Ruler in six days created heaven and earth, land and sea, men and things. He had already appointed thousands and tens of thousands of angels to act as his messengers. Why, then, should he need those strange and monstrous things which men have made in direct opposition to his will? (Here the 2d commandment is quoted.) * * * If, in *creating* the world, He did not need any to help, who can He now require to help Him in taking care of men? I would ask you if the August Supreme Ruler had only created heaven, and not earth, would you have had a place to plant your feet upon? Would you have had any fields to cultivate? None. * * * Suppose he had not created on the earth mulberry trees, hemp, grain, wheat, pulse, beans, grass, wood, water, fire, gold, iron, and had not created in the waters fishes and frogs, or the birds of the air, or the wild beasts of the hills, or domestic animals, then would your bodies have anything to clothe them, or your mouths anything to eat? Would you have had anything to boil or roast for your morning or evening meals; or any vessels or implements to use? None.

Or suppose the August Supreme Ruler, for a single year, should not

send forth the sun to give you light, or rain to furnish you with water, or thunder to banish malarious influences; or should not cause the wind to blow to scatter your vexation and discomfort, (literally, suppressed breathings,) could you then have harvests, or live in peace and prosperity? Not at all. * * * Suppose He should be angry with you, cut short your breath and put an end to your life: then would your mouth talk, your eyes see, your ears hear, your hands handle, your feet walk, your mind conceive a plan? Assuredly not. * * * * Since there is most manifestly this most adorable and most high true God, the universal father in heaven, who ought to be worshiped every morning and evening; of whom, if you ask, you shall receive; if you knock it shall be opened unto you; if you seek you shall find; to refuse to worship Him, and worship images destitute of all knowledge and sensation, made of wood, and stone, and clay, and pictures on paper—senseless things, which have mouths which cannot speak; noses, but cannot smell; ears, but cannot hear; hands, but cannot handle; feet, but cannot walk—is stupid indeed. Nevertheless, the muddiness of the stream arises from want of cleanliness in the fountain. So the error of later ages arises from want of care in the former. (Here follows a sketch of the history of the rise of various superstitions, similar to that in the "trimetrical classic," as translated in the North China Herald, May 20, 1853, q. v.) * * * Besides the August Supreme Ruler there is no God. All the images of wood, clay, stone, or pictures on paper, are, without exception, of recent origin, and are made by men—men whose minds have been darkened by the devil and been utterly prostrated, and who have themselves invited the demon Yen-lo to entangle and seize them. Therefore, I do now, with most perfect truth and sincerity, declare to you, oh ye men, how you can know *God.* The August Supreme Ruler, He is the true God. When you men bow down and worship idols, you truly invite the devil to set upon you. Of the idols which you have set up, some of those represented by them had some merit, and have long since gone to heaven. Have the services offered by men at all reached them? As to the whole tribe of worthless beings (literally, "swollen sores") without note or name, they are all square-headed, red-eyed, fiendish disciples and impish troops of the serpent devil, Yen-lo.

* * * How can you men know *the ruler?* The August Supreme Ruler, (Shang-te;) He is *the ruler,* (Te.) Those who are lords in this world may be called *lords,* and nothing more. Is the least degree of usurpation permitted among them? Jesus, the Saviour, is the Son of the August Supreme Ruler; He, too, must be called *Lord,* and nothing more. In heaven above, or on earth beneath, who is greater than Jesus? Yet even Jesus must not be addressed as *Te,* (ruler.) What man is he that dares shamelessly to assume the title of Te? (ruler.) [It is the common title of the Emperor of China, with another word prefixed.] He does but puff himself up with a vain idea of his own grandeur, and will bring upon himself the eternal misery of hell.

Ah! reverently worship the August Supreme Ruler, and then you will be his sons and daughters; then he will in this life protect you, *and after* death your souls shall ascend to Heaven and enjoy everlasting *happiness.* What enjoyment! What dignity!

if you are drowned in the belief of false gods, you will become and imps. In this life you will draw upon yourselves the snares of vil, and after death will be seized by devils and endure eternal ıt in hell. What shame! what contempt and wretchedness! ı of these is to be desired? which is to be avoided? Consider yourselves, brethren and sisters throughout the world; should ɔt awake? If you do not, after all, awake, you must indeed be orn; you must indeed be deluded by the devil. When happi- ı offered, you will not accept it! When it is evident that there is ven above, for thousands and myriads of years, this everlasting ıess and dignity—even so great happiness you are unwilling to e. You take pleasure in violating the commands of heaven. In on with devils, you sin against heaven, and so provoke the just of the August Supreme Ruler. Thus you will fall into the eighteen nd endure eternal torment. It is most deeply to be deplored; uly a subject of commiseration.

IV. *Rules and regulations of the Tae Bing dynasty.*

ı important regulations for the stationary camp:
: first rule inculcates obedience to the commands of heaven.
: second requires a thorough acquaintance with the heavenly (ten commandments;) also offering of praise, morning and eve- vorship, and giving of thanks.
: third forbids smoking and wine-drinking; enjoins mutual justice ırmony; and warns against partiality in adjusting disputes.
: fourth requires entire submission to the restraints of discipline; s false returns of the troops, and the concealment of articles taken he enemy.
: fifth commands a separation between the camps of the men and n.
: sixth enjoins acquaintance with the various signals with gongs, ets, or drums.
: seventh forbids all unnecessary passing and repassing between fferent camps and corps, to the detriment of the public service.
: eighth requires attention to the respective titles and forms of ss to be used for the various grades of officers.
: ninth enjoins that spears, guns, and all implements of wars, be s in readiness for use.
: tenth forbids falsely reporting the laws of the state or the royal ɜs, or erroneously transmitting orders respecting the movements ɔps or the commands of superior officers.

Camp regulations.

ɜt. All over fifteen years of age must carry implements of war, ions, bowls, pots, oil, and salt, and must be provided with spears led for use.
ond. The more able men and officers are not, on that account, to what does not belong to them, and ride in sedan chairs or on

horseback, or in a disorderly manner seize the outside of the lower classes.

Third. Men and officers (while the Emperor passes) are to move to the side of the road, and cry, "May you live ten thousand years; may myriads of blessings attend you; may you live a thousand years"—(i. e. for the high officers in attendance.) It is not permitted to mingle promiscuously with the imperial train, or the horses and sedans belonging to the imperial wives and concubines.

Fourth. At the loud sounding of the trumpet, all must rapidly press forward towards the point of danger. None are to skulk and seek their own ease.

Fifth. Neither soldiers nor camp-women are permitted to go out into the neighboring villages to cook rice, obtain provisions, injure people's houses, or plunder their property; nor are they to seek out the apothecaries' shops, to seize on their contents, or the official residences of prefects, district magistrates, or any inferior officers.

Sixth. It is not permitted to seize upon the petty traders who sell tea, water, congee, or rice, and compel them to bear burdens, or to cheat their brethren of the army out of any of their travelling articles.

Seventh. It is not permitted to stop for rest at the shops by the way, to delay the completion of the march. The line must be maintained unbroken from front to rear, and there must be no stragglers.

Eighth. It is not permitted to burn the houses of the people, or to use them on the road as sinks.

Ninth. It is not permitted to put to death old and weak bearers of burdens.

Each man is to obey orders, and occupy the posts assigned by the general and subordinate officers. No one is to leave the front and pass to the rear at his own pleasure.

V. *The book of the descent of the Celestial Father.*

This book gives an account of the trial and execution of a certain high officer, named Chow-seih-nung, and two others, who meditated treachery to the revolutionary cause. Information of their intentions was communicated to the chiefs by the celestial father (God) on the 29th day of the 16th month of the 1st year of the new dynasty, November, 1851. After several communications, the celestial father commanded the traitor to be brought before him, and proceeded, in person, to question him respecting his treachery:

Question. He asks: Do you, Chow-seih-nung, know that I, the celestial father, am omnipotent, omnipresent, omniscient?

Answer. I know it.

Question. Do you know that for many years the people of the central country have not worshiped me?

Answer. The people of the central country are blinded with respect to the favor of the celestial father, and long have neglected to worship him.

Question. Do you know how great is the forbearance of the celestial father?

Answer. The forbearance of the celestial father is vast as the bottom f the sea.

The examination is continued until he confesses his guilt. He is ntenced to be cut to pieces, with his two accomplices and his wife nd children.

VI. *The book of the Heavenly Commands.*

This purports to be a collection of commands and instructions permally communicated from time to time by the celestial father, and e celestial brother, Jesus. The first appearance was in the year Yoosing, 1848, in the third month, and in the ninth month of that year e second occurred. At bo h these appearances innumerable wonders, igns, and miracles, were wrought. Again, in 1849, on the sixteenth f third month, and 1851, fourth of third month, the celestial father ame down, and declared that he had sent the celestial king, (i. e. the isurgent chief,) and that his commands were to be regarded as the ommands of heaven.

On the eighteenth, third month, 1851, and thirteenth of seventh onth, 1851, Jesus and the celestial father appeared and delivered arious exhortations, which are given both in prose and verse. The erfections of the Deity are set forth, valor is enjoined, plundering is rbidden, and divine assistance in battle is promised. This book, also, ontains some instructions from the insurgent chief, the "*celestial king*" imself. He enjoins submission to authority, mutual harmony, courage, nd contempt of suffering and death. He requires high officers to oberve the conduct of the men in battle, and to record in a book the ames of those who act in a cowardly manner, that the one may be ewarded, and the other punished. Those officers who die in battle re to be promoted, and their posthumous rank is to be perpetuated in heir families. He encourages his followers by reminding them that hey are the sons and daughters of the celestial father, and the younger rothers and sisters of the celestial brother, and that in this world they hall have incomparable honor, and in the world to come happiness vithout end.

There is a special prohibition of all violations of the seventh commandment, on pain of death.

A special edict is appended with reference to the Empress. She is o be styled simply Niang-niang, (empress or queen,) and her *name* is ever to be connected with the title, on pain of death. No one is to aze upon her; but if any one should, by accident, meet her, the head nd eyes should be cast down so as not to see her. Death is the penlty of any disregard of this injunction. Her female attendants are forbidden, on pain of death, to repeat without any thing she may say, or to communicate to her what passes without.

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SHANGHAI, *May* 26, 1853.

The above is a correct copy of the books of the insurgents.

M. S. CULBERTSON.

Mr. McCartee to Mr. Marshall.

NINGPO, *May* 19, 1853.

SIR: I have the honor again to address you, and to inform you that the Chinese at present seem to have entirely recovered from their alarm respecting the rebels, and are perfectly tranquil. Business, however, continues dull, and many are suffering from want of employment, and also from the high price of provisions. The distribution of rice to the poor was, on the 15th instant, accompanied by very lamentable results, twenty-nine persons having been trampled to death by the crowd, and many others seriously injured. The accident gave rise to a burst of indignation against the chief manager of the distribution, and the mob proceeded at once to his house and demolished all his furniture, &c., and the dead bodies were carried and laid in his house, until the people were finally appeased by the payment of $50,000 cash to the friends for each person killed, and a much smaller sum to those who were only injured.

The hardness of the times, and the strict system of patrols established within the city, have driven the thieves who were in the city to the outside, and increased their number, so that almost every night thefts are committed in this neighborhood, which is opposite the city, and where most of the foreign population reside.

On Tuesday last, the 17th instant, I was informed that a night performance with female actors was about to be held nearly in front of our houses; and, as night gatherings and female actors are both contrary to the Chinese law, and not only a nuisance by keeping up disturbance all night in the neighborhood of our houses, but also dangerous by collecting together a large concourse of improper characters against whom we should be obliged to keep watch, I therefore requested the district magistrate to disperse the crowd, and he accordingly sent policemen for that purpose; but on their arrival they found a number of Portuguese armed with clubs, &c., who had expressed a determination that the play should go on; and the policemen accordingly came to my house to say that they were afraid to attempt any thing. Having received an intimation of the design of the Portuguese, I wrote to F. M. Marques, esq., the Portuguese consul for this port, requesting him to prevent the interference of the Portuguese. To this formal application I have not yet received no answer, and accordingly to-day addressed to him a other communication, of which I beg leave to enclose a copy.

The conduct of the lorchas, and of the seamen and others connected with them, who live sometimes on shore and sometimes in boats, sailing about without flags or papers, committing excesses of all kinds, greatly to be deprecated, as giving all foreigners a bad name among the Chinese, who are, for the most part, unable to distinguish one nation from another; and there is reason to fear that at some time the forbearance may give way, and then innocent and guilty—American, English, and Portuguese—will be visited with their vengeance alike.

It is hardly to be tolerated that such practices should be allowed in a nation considered civilized; but when the interests and property of other foreign nations are endangered by the acts of licentious sailors, deserters from or belonging to lorchas, living on shore contrary to the

rules of all civilized nations, it is time, I think, to appeal for redress to those who are able and willing to afford it.

I have therefore the honor to call your attention to the disorderly and contumelious conduct of the Portuguese, who, knowing that the Americans had no consular officer at this port, have endeavored to thwart us, and show to the Chinese (as they said) which is the strongest; and also to the fact that the Portuguese consul either does not possess the power, or has not the will, to prevent the lawless conduct of his fellow-subjects.

I have the honor to be, sir, yours, very respectfully,

D. B. McCARTEE.

His Excellency HUMPHREY MARSHALL,
Commissioner, &c., &c.

P. S. I beg also to enclose a copy of my reply to Señor Marques's answer, together with Señor Marques's reply itself, which, being in Portuguese, I could not translate in order to copy.

MAY 20, 1853.

Mr. McCartee to Señor Marques.

NINGPO, *May* 19, 1853.

SIR: In consequence of an illegal and disorderly assemblage of Chinese near my house on the night of the 17th instant, I had the honor to address you officially, as the consul of her most faithful Majesty for the port of Ningpo, on the evening of that day, informing you of the fact that I had requested the district magistrate to disperse the crowd, and arrest the parties concerned, both as violators of Chinese law and as dangerous to the safety of our property, especially during the present unsettled state of the country, and the frequent robberies that have been occurring in this neighborhood; and that I had received information that certain seamen and others belonging to or discharged from lorchas, subjects of her most faithful Majesty, and temporarily residing on shore near my house, intended to interfere to prevent the execution of the law by the Chinese officers; and requesting your interference to prevent such violent and disorderly proceedings on the part of her most faithful Majesty's subjects.

Not having received any reply to my formal application referred to, although the interpreter to her most faithful Majesty's consulate called yesterday and verbally acknowledged its receipt, I have therefore now to inform you that such interference on the part of certain of her most faithful Majesty's subjects did take place on the night referred to, and that the Chinese policemen were intimidated and deterred from arresting the persons engaged in the disorderly assemblage by the presence of several Portuguese armed with clubs, &c.

Such conduct on the part of foreign seamen, who are suffered by their officers to live on shore, cannot but be productive of injurious consequences; and if, when the Chinese authorities show a disposition to protect our persons and property to the extent of their power, for-

eigners of other nations are allowed to interfere to prevent them, it is evident that nothing is left us but to lay the matter before the officers of our own government, and apply to them for protection and redress.

I beg therefore to inform you, that having received from his excellency Colonel Marshall, Commissioner of the United States of America, now at Shanghai, instructions directing me to report to him from time to time the state of affairs at this port, I shall transmit this day to his excellency an account of the occurrence above referred to, with a copy of this communication to her most faithful Majesty's consul, requesting his excellency the Commissioner of the United States of America to take such measures for the protection of the citizens of the United States of America at this port as may to him seem necessary and desirable.

I have the honor to be, sir, your most obedient servant,

D. B. McCARTEE.

CONSULADO PORTUGUEZ EM NINGPO E TUCHAN.

ILLMO. SNR.: Accuzo por este a recepção de duas cartas de va. sa., da data de 17 e 19 de corrente, ambas acerca d'una representação theatral feita por mulheres Chinas, que va. sa. diz ser contra as leis de imperio, e que alguno marinheiros das lorchas, subditos de S. M. F., estarãs de combinação para impedir aos officiaes das authoridades Chinas, que estes prendessemos actores, &c. Não pude respondar a sua primeara carta de 17 de corrente porque ella me foi entreque as 9½ horas da noite de mesmo dia, e como en nada sabia respieto desta representação theatral, suppuz que ella teria lugar no dia seguiente, e por essa razão mandei o meu interpretre a casa de va. sa., para en ser melhormente informado das circumstancias do caza; e quando ella volton he que fui informado de que a dita representação theatral teve lugar na mesma noite de 17 de corrente, sem a menor novidade. Ora como a dita representação se fez sem ter havido desordem, julguei que estara terminada esta correspondençia, e por essa razão deixei de responder a sobridita carta de va. sa. de 17 de corrente. Porem bastante surprizo figuri com a recepção da sua langa carta de 19 de corrente, pela qual va. sa. torna a repizar a mesmo questas, que devia dar por acabado, e me informa as mesmo tempo que hia a transmettir a s. exa. Coronel Marshall, commissario dos Estados Unidos d'America, que se acha em Shanghai uma relação da occorrencia havida, com a copia da ditta sua carta de 19 de corrente, para elle commissario dar as providencias que julgar necessarias para protecção dos cidadores dos Estados Unidos d'America, residentes neste porto, &c., &c.

A vista disto cumpre me dizer a va. sa., que a sua interferencia nesta questãs, he incompetente por quanto va. sa. não podia prohibir a dita representação theatral, embora ella fosse contrario as leis de imperio, que era sodan competencia das authoridades locaes do paiz a prohibi-la. Não forás as authoridades locaes, as que prohibirão, a dita representação (como eston bem informado) mas sein va. sa., o mesmo (como confessa por sua carta de 17 de corrente) que intimon dos Chinas para desistirem desse divertimento, allegando ser contrario as leis de imperio,

e podia correr risco a sua propriedade, &c. E para esse finir
siton das authoridades Chinezas, alguno soldados osquaro deixa-
le os prender, e de impedir a representação, sem que para isso al-
ı se theo oppozezse. Quanto as que va. sa. diz que he contra as
Chinezas ser a representação executada por mulheres, veja ser in-
ada por quanto no dia 6 da prezente lua, (13 de corrente,) houri
a igual representação pouco distante da caza da muiha rezidencia,
o houri por cauza diesso impedimento algun da parte dos authori-
s de paiz, nem tão pouco da parte de va. sa.
uanto as risco que podia correr a propriedade de va. sa. e a d'ou-
cidadões dos Etados Unidos d'America, por cauza de desordem,
ıvo humo illuzão sua como se provon por não ter havido a menor
dada, com a dita representação theatral, viste que os Chinas por
io os mais tranquillos, e os que respeitás muito as estrangeiros.
a disso a representaçoes theatrals são muito frequentes neste paiz,
) as mesmo tempo permettidas pelos suas authoridades, e tanto
defronte de todos oz seus templos sempre ha huma caza contenida
esse mesmo fim, e foi ninna igual a essez, perto da caza de va. sa.
ɔnte d'un pagode, que tevo lugar a representação no dia 17 de cor-
ɛ. Admittido que fosse o principio, de que va. sa. pelorisco que
a correr a sua propriedade, se achara com direito para poder im-
r a dita representação theatral, a vista disto digo lhe, que neste
ı todo e qualquer estrangeiro rezidente neste porto deve considerar
goalmente authorizado para impedir as representaçãoes theatrals,
se fizerem perto clas suas cazas, e por esse modo ficarão os Chinas
ados injustamente deste genero de divertimestos, que he hum dos
ı favoritos para elles. Finalmente, dado o cazo que seja contraria
eis Chinezos a dita representação theatral excutada por mulheres,
a sendo pelos leis das nações civilizados,) e que as authoridades de
forão por alguns amedrontados (como va. sa. quero dizer) para po-
m prender os actores, &c., contudo isto declaro a va. sa. que não
a sua competencia o tomar conhecimento destas violencias de leis,
o pertence as authoridades locales de paiz, que nada me tem re-
entado contra isso.
m concluzad desta correspondencia sobre una questad bem in-
ificante, e que va. sa. devia da por acabada, visto que dessa occur-
ia não houri a menor consequencia, em porjuizo dos interesses de
ıa., e dos seno concidadões, direi com franqueza, por quanto eston
convencido que não he o risco de propriedades e outras pretentos
ılos que va. sa. allega, o motivo porque va. sa. tem querido susten-
sta correspondencia, transmittiendo a no conhecimento de s. exa. o
missario dos Estados Unidos d'America em Shanghai; mas sim tudo
or hum manero capricho, seo por ver va. sa. que nao erás obedeci-
pelos Chinas, e por alguno subditos de sua Magestade Fidelissima,
uas ordens, e reputada por illegal a sua interferencia, na jurisdição
ra, de querir impedir a sobridita reprezentação theatral que os faria
ar desse divertimento.
omo va. sa. me informa que hin a participar a s. exa. o Coronel
shall, commissario dos Estados Unidos d'America, acerca desta oc-
encia en bem pela minho porte, lhe participo que reprezentarei a
tas. *governador da provincia de* Macao, tinior e solor contra a in-

terferencia de va. sa. ninna questão inteiramente alheia de sua jurisdição quenudo va. sa. exercer por meio della a sua authoridada sobre os subditos de S. M. F. e Chineza. Ds. Gs. a Va. Sa.

NINGPO, 20 *de Maio de* 1853.

FRANCO. JOÃO MARQUES,
Conseul de S. M. F.

Illmo. Señr. D. B. McCARTEE, *Ningpo.*

Mr. McCartee to Señor F. J. Marques.

NINGPO, *May* 20, 1853.

SIR: I beg to acknowledge the receipt of your official communication, dated this day, in answer to my application to her most faithful Majesty's consul, relative to the interference of certain subjects of her most faithful Majesty temporarily residing on shore in this neighborhood, and to inform you that I shall transmit the same to his excellency the Commissioner of the United States of America by the first opportunity. I would merely add, at this time, that theatrical representations in which women are the actors are prohibited by the laws of China, and are always clandestinely performed, and never within the walls of any city; that they are always the occasion of congregating together an assembly of disorderly and disreputable persons; and that I am persuaded, that had such a thing been attempted in near proximity to the residence of her most faithful Majesty's consul at night, and especially at the present time, when the Chinese local officers deem it necessary to adopt extraordinary measures for the protection of property and prevention of disorders, it would have been no less disapproved of by her most faithful Majesty's consul than by myself. When, therefore, I was informed that certain of her most faithful Majesty's subjects had announced their determination to prevent the police from arresting the offenders, I hoped that a courteous application to her most faithful Majesty's consul would have prevented such interference, but the seamen referred to having actually put their threat into execution, I was compelled to apply to the officers of my own government to request that some means be devised for the prevention of such irregularities in future on the part of seamen, who, living on shore or in Chinese boats, attempt to interfere to prevent the maintenance of quiet and security in the neighborhood of such foreigners as permanently reside and have property at stake at this port.

I have the honor to be, &c., &c., &c.,

D. B. McCARTEE

F. J. MARQUES, Esq.

Mr. Marshall to Mr. McCartee.

SHANGHAI, *May* 25, 1853.

SIR: Your letter of the 20th instant, with its enclosures, was received yesterday evening. I shall communicate with his excellency, Governor

Gamaraes, at Macao, on the subject of which your communication directs my attention.

In the mean time, it is scarcely necessary to urge upon you the propriety of avoiding, as far as may be practicable, the formation of any issues with the Portuguese sailors which will demand the intervention of the public authorities of the United States. Commodore Perry has sailed *on a special service*, which, in his opinion, required the entire naval force of the United States in these seas; so that it will be impossible for me to send to your rescue, or for your immediate protection, or for the vindication of any wrongs you may suffer, a ship-of-war belonging to your government. This state of things may continue for a considerable period, and should be suggestive of great prudence on the part of every American citizen. It will be *my* study to maintain their rights, and to participate in their dangers when I cannot relieve them; but it may happen that the profligate and vicious class which interfered with the Chinese police on the 17th instant, will do you injury in the moment when you are defenceless, relying on impunity by an escape from Ningpo before their own authorities or I can overtake them.

I remain, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

D. B. McCartee, Esq.,
Ningpo, China.

Fuhchan, *April* 14, 1853.

Dear Sir: The undersigned have been appointed a committee, on behalf of the American citizens residing at Fuhchan, to make to you, as the highest officer of our government in China, a brief representation of our situation with reference to the present disturbed condition of this empire.

In addressing you on this subject, we do not deem it necessary to enter into a particular narration of the events transpiring around us, and with which we suppose you are already sufficiently acquainted. We presume you are aware that, in case of a popular disturbance in Fuhchan, our persons and property, as well as the property held in this city by our missionary boards, will be exposed to imminent peril; and that we have here no protection whatever on the part of our own government. The rumors that reach us from the disturbed provinces, with reference to the movements and intentions of the insurgents, are of such a character, and the government here on which we are dependent for protection in case of the rising of a mob holds such a precarious existence, that we feel compelled to make this application to our own government for its protection.

We have around us strong and constantly-increasing evidence growing out of the clandestine circulation of despatches from the insurgent chief, and the agitated state of the public mind here, that a decisive struggle in this city is rapidly approaching.

It is possible for us, we know, to escape (so far as our personal safety

is concerned) the danger to which we have referred, but as missionaries, to whose care our respective boards have committed property to a considerable amount, we feel it to be of the highest importance that we maintain our present position; and we will most gratefully acknowledge any assistance you may render us in accomplishing so desirable an end.

With earnest prayers for your personal well-being, we beg to remain, on behalf of the American community of Fuhchan, dear sir, yours, with great respect,

R. S. MACLAY,
S. CUMMINGS,
Committee.

Hon. H. MARSHALL,
United States Commissioner to China.

SHANGHAI, *May* 25, 1853.

GENTLEMEN: Your communication, dated "Fuhchan, April 14," reached me at this place yesterday only. You may have suffered the worst consequences of the peril to which you are exposed during the time your letter has been on its way. If I had a small armed steamer under my orders, I could reach you in forty hours; but, as it is, I can only send a letter, which you *may* receive towards the end of June. It is matter for my most serious regret to be compelled to say to you in that letter that you need not expect the protection which would be afforded by the presence of a ship-of-war belonging to your government. The commodore (Perry) who is now in command, in these seas, of the naval forces of the United States, has considered himself authorized, by special instructions from the government at home, to withdraw his whole force from the China seas for the present. He has accordingly taken with him, on a special service, all the ships except the Plymouth, which awaits here the arrival of the mail, and will then also follow the squadron. If it be any consolation, you may know that you are not deserted more than the rest of your fellow-citizens in China; for at present, and for what time to come I cannot even "guess," the coast of China will be without a ship of the United States upon its line.

I desire that you shall know this has not occurred by my concurrence or with my consent, and I presume it will be rectified so soon as the mail can reach the United States and return. In the mean time, it may be well to give you the following instructions to guide your conduct under the pressure of any emergency that may arise which shall require the abandonment of your property at Fuhchan to save your own lives.

You will each cause an inventory of his property, real and personal, to be made out in due form, exhibiting, item by item, the value as estimated by two disinterested valuers. Should any emergency arise which imminently threatens your security, or if you have good reason to believe that a mob, or incendiaries, or insurrectionists will offer violence to your persons or your property, you will deposit the said inventory or the duplicate with the chief local authority at Fuhchan, and at *the same time* you will cause seals to be placed upon your effects and

ur doors. You will then request the said chief local authority
a military guard over said property for its especial protection,
:eaty provides. You will say to the chief local authority of
n that these proceedings, on your part, are taken by my instruc-
you, in order that there may be no mistake on his part of the
ı of the United States to hold China responsible under the treaty
nnify the American citizens for any loss or damage their per-
property may sustain by the lawlessness or violence of the sub-
China, and that he may regulate his actions accordingly.
will be especially mindful not to interfere in any manner, or un-
pretext, with the disputes among the Chinese. Let no hope of
/alence of a brighter future for China, either morally or politi-
.duce you to forget for a moment the duty you owe to your own
ıent of observing absolute neutrality in this civil war. You must
your own discretion as to the withdrawal of your persons,
u have committed your property to the care of the local authori-
y advice is, that you shall withdraw peaceably and quietly, and
ı shall come to this city, or take refuge at Canton, if more con-
under the consul of the United States, keeping all the while a
account of the expenses to which you are subjected by this ex-
for the want of protection. The copy of your inventories will
arded to my address, at the legation in this city, by a careful
Should you come here, I will cheerfully extend all the protec-
ich my representative character will command, as well as such
wn person will assist to effect. Under existing circumstances,
fer to you none other, which I beg you to believe I deeply re-
th on your account, my own, and that of the government of
ed States.
will please convey to the American community, in whose be-
ı address me, my sincere wish for their prosperity and happi-
ıd the expression of my hope that they may avoid all danger
prudent exercise of their rights under the treaty. Accept, gen-
for yourselves, the assurances of respect with which I remain,

Your obedient servant,

HUMPHREY MARSHALL.

rs. R. S. MACLAY and S. CUMMINGS, *Committee*,
City of Fuhchan, China.

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l—No. 17.] SHANGHAI, CHINA, *May* 30, 1853.

I forwarded my despatches Nos. 12 and 13 by the steamer
ın. They were lost on the night of the second instant by the
g of that vessel on an island off Fuhchan. Peter Parker, esq.,
etary and interpreter of this legation, was a passenger on board.
riston, having in his possession the originals of Nos. 10, 11, and
ch (as I understand his note to me) were intended to be re-
among the archives. These being lost also, I must request you,
copies of Nos. 10 and 11 to be returned to me when those de-

spatches shall reach Washington city. Fortunately I retained the original of despatch No. 13, of which I now send forward the duplicate copy. The despatch No. 12 has been lost entirely, nor do I remember its contents with sufficient exactness to repeat them; but I think the enclosures embraced a letter from me to the prime minister of the Chinese; a correspondence between the British minister and myself, on the policy to be pursued in presence of the contending armies of the Emperor and "the rebels;" some propositions and drafts of proclamations; an account of a conversation between the envoy of Great Britain and myself; together with some observations of mine on the policy of Great Britain towards China, and in regard to the tendency of affairs in this country. Probably none of the topics touched in the despatch were of such importance as to render the loss of the paper matter of as much regret to the department as to myself. Having waited for a reply to my note to the prime minister nearly two months, I commenced an investigation of the course through which that document passed towards its destination. The result is, that I find it has been, probably, travelling in a circuit of some seventy miles around Shanghai, during the whole intervening period since it left my hands. The taoutae of this intendency assures me, through the vice-consul of the United States, that the letter is *now* in the possession of a viceroy lately appointed to govern the Siang Kiang, and that the viceroy has directed him to inquire whether, "*after such long delay, it is my wish that the letter shall yet be forwarded to Pekin.*"

I entertain very strong suspicion that the taoutae has not permitted the communication to the prime minister to leave his own possession, and that his present object is to learn whether my views and wishes as to a communication with Pekin may not have been modified by the withdrawal of the naval forces of the United States from these seas.

I directed the vice-consul to say, in reply, that my visit to Shanghai was prompted by my desire to transmit, through the governor-general of the Siang Kiang, a letter accrediting me as Commissioner of the United States to his Imperial Majesty the Emperor of China, and that on my failure to find the governor-general I addressed the prime minister of the empire; that if his excellency the viceroy was now ready to meet me at Suchow or at Shanghai, in order to receive the President's letter for transmission to Pekin, there would be no further necessity for my letter to the prime minister, and it could be returned to me at our interview. If, on the contrary, his excellency was not willing to afford such an interview at as early a day as practicable, that, in such case, he would do me a favor by sending my letter to its direction without further delay. It would be useless for me to return to Canton to await the arrival of an imperial commissioner, because the duties of the officer who holds that appointment have required his absence from that city for the past eighteen months. It is within the obligation of the treaty that the governor-general of the Siang Kiang shall transmit communications from one government to the other. If he shall fail to perform this duty, nothing remains but to address government directly, or to retire. I have chosen to pursue the former course—with what success remains to be seen. No stronger reason could be assigned for requiring the official residence of the Commissioner at Pekin than

the suppression, misdirection, and extraordinary delay of his official communications to the court by the provincial officers, who incur no responsibility by such gross misconduct. Should the governor-general decline to see the President's letter, I shall inform *Heang Yung*, the generalissimo of the imperial army, now encamped before Nankin, of the fact that I have addressed the prime minister, and shall request him to advise the board with which he corresponds of that fact, in order that the viceroy may be compelled to send the communication to its address. The absence of the naval forces will prevent my proceeding at once to the mouth of the Peiho.

Where the character of the Chinese mandarins is appreciated, this long delay, under any circumstances, will not be deemed singular. But amidst the throes of revolution, which demand more capacity for business than they possess, their inattention might charitably be attributed to their confusion. As a class, the chief provincial authorities have constantly opposed all direct intercourse between the court at Pekin and ministers from foreign powers; because the intermediary position *they* hold gives them an importance which they must lose when foreign affairs shall be discussed and decided by the court at Pekin. At present they are the actual rulers of this country, because they hear first whatever complaints may be made, and, if they prefer not to adjust them, it is quite easy to obstruct the avenues to the imperial ear, by suppressing documents and creating embarrassing delay.

The revolution promises a more rapid development than I anticipated in my last despatch. Scarcely is one phase perceived clearly before it is lost again in the movement which is hurrying China to a complete social and political disorganization. I shall not be surprised to behold on this theatre within a twelvemonth a re-enactment of the worst scenes of the French revolution, or of those which characterized the dissolution of the Roman empire. Already one of the five open ports has fallen into the hands of the rebels. Amoy was taken on the 19th instant, and now is in the possession and control of the insurgent chief who entered it; but it seems he is independent of the chief at Nankin, and disclaims all connexion with him. The vice-consul at Hong Kong informs me that "differences of opinion as to the form of government to be established existed among those of the society who had charge of the funds intended for its expenses, and this uncertainty had resulted in the defection of some of the chiefs with their immediate commands, who had withdrawn from the body to the number of fifteen hundred men."

"At Changchow, after taking the place, the rebels quarrelled with the inhabitants, and, before peace was restored, some eighteen hundred rebels were killed."

"At Tangwa, the inhabitants, after turning out the mandarins, refused to admit the rebels, and proposed making it an independent town."

These extracts from my private correspondence will prove to you the condition of the south. In a word—in my opinion, the fact is, that this ancient empire now disintegrates, and that the political edifice will fall from the absolute want of all the elements of strength, leaving this people a prey to every species of social disorder before quiet and good

government can be restored. In all human probability, the Manchoo rulers will not again attempt, after this summer, to pass the Yellow river. The valley of the Yangtsze Kiang, the Min, and the Hoangpo, may fall to the government at Nankin; while the southern and western parts of the empire may pass into other hands, in the subdivision of the lands and population that now constitute the Ta Tsing empire. These are matters, however, for speculation; my immediate purpose is to present to your consideration the facts existing, and without embellishment.

You will scarcely be able to comprehend the fact that the last ship of the United States on this coast should be withdrawn at such a moment as this, but nevertheless it is true. Commander Kelly, of the Plymouth, has just left my room, having informed me that he should sail from this place for the Loo Choo islands the day after to-morrow. I inquired of him whether he considered himself at liberty to abandon American interests in China at a moment when one of the ports where the flag of the United States is displayed over a consulate is in the hands of the insurgents, and when he knew every American life was exposed. It produced no effect whatever. So I may now announce to the President that the naval force is *entirely* withdrawn.

The American citizen whose enterprise rightfully seeks the protection of our flag on this strange soil, and in these distant seas, would find very little substantiality in mere citizenship as a security for his rights should the withdrawal of the guns of the naval force at such a time meet the approbation of the President of the United States. Such results will flow, however, and constantly, until the naval power shall be required to yield its arm to the requisition of the civil power. The experience of the Secretary of State (whose accession to office I have just now learned) will cause him to appreciate the awkwardness of my present relations to this government, and to my own countrymen. I am invested, by the law of 1848, with powers judicial, legislative, and executive, under certain modifications. But, sir, if I may not demand successfully the presence of a ship to protect me and property in the presence of a rebellion triumphing over law and government, could I calculate upon assistance from the same quarter to execute, or to uphold law, in the presence of an armed populace? I trust the President will give some decisive instructions to meet this entire case. This mission is so distant from the United States, that application cannot be made to the department every time a new question arises. I find no difficulty in determining the true course to pursue, or in my own will to follow it; but I find the difficulty in the ability of others to render me powerless at the moment when my energies are most wanted, by withdrawing from my control all the means not merely of doing what is right and desirable, but of preserving the decency of a respectable appearance of power in presence of a subtle and half-civilized race Professions of willingness to execute orders are worth nothing when the practice is to raise issues constantly, so as to refer questions of power for determination by a tribunal at the distance of fifteen thousand miles from the scene of action. Reference to my correspondence will prove that no energy or caution on my part has been wanting to progress with the business of this mission, and no opportunity has been missed by our

naval officers who have successively been in command to thwart my views and baffle my purposes.

Some of the cabinet of the President will be able to confirm the recommendations I have so frequently submitted for small war-steamers to be on this coast, and under the control of the Commissioner to China. The efficiency of the Commissioner essentially depends on his ability *to coerce;* and it will be useless to base expectations of success in the management of business upon any other hypothesis. When an armed steamer casts her anchor in front of a Chinese city—especially in one of the five ports—her presence seems to bring into active exercise sentiments of justice to which, under other circumstances, the mind of the Chinese is utterly dead. Probably the exhibition of the flag on board of an armed vessel will always be sufficient to induce the authorities to dispense justice to American citizens, and will enable the Commissioner to avoid the protracted discussions to which the Chinese are so prone. But such vessels can only move with the proper expedition from point to point along the coast.

The Choo-kiang, Min, and Tapia, can be ascended only by such vessels to Canton, Suchow and Ningpo, respectively. Pirates infest this coast in great numbers, and steamers can pursue them successfully. Steamers can tow in merchant vessels when distressed. Three vessels would be ample for this service to enable the Commissioner to execute efficiently his office, to police these seas, to protect American commerce in the five ports, and to relieve the commodores of the navy from all calls upon their time and squadrons. The Allegheny, the Vixen, the Hancock, or vessels near their sizes, would be best suited for the service; and I earnestly hope, sir, you will urge upon the President the propriety of sending such to this station without delay.

Permit me to call the attention of the President to facts which are transpiring here, and upon which I should be glad to receive some general instructions to guide my course. American citizens in China have been induced, by promises of high pay, to assume commands in the Chinese naval and military services, and are now engaged against the rebels. These are very much irritated at the appearance of "foreigners" in league with the Manchoos, and have offered a reward of $2,000 for the head of a foreigner taken in the service of the reigning Emperor. Moreover, they cannot distinguish between foreigners, but regard all western people as forming a single class of "barbarians." Hence the enmity excited by the acts of a few operates against all, and jeopards the lives and property of all. The American citizen who joins the *rebel arms* would find *death* denounced as the penalty for his crime by the treaty. He places himself beyond the protection of his own country, voluntarily, when he enters the service of the Emperor to fight *against* the rebels. But shall he be permitted thus to throw off and resume his citizenship at pleasure, when the changes he makes to so great a degree involve the security of others? Again: it is the practice to acknowledge a government *de facto;* but shall the rebels in Amoy collect *duties* from American imports, while the government keeps in that port, and in all the open ports of the empire, consuls and a Commissioner accredited to the reigning Emperor? The President will *perceive that I may be* called on at any time to decide between

these parties on a question of *duties*. Should a detachment occupy the custom-house in Shanghai, and demand the payment of duties to them, forcibly expelling the custom-house officer, but not disturbing the governor of the province, or any of the provincial authorities who are engaged in the administration of the laws generally: should such an occupancy and such a demand be regarded as sufficient to authorize the payment of the duties *to the rebels?* It seems to me such a recognition of their right would be an indignity to the Emperor; yet the failure to pay might involve our commerce in disaster, and open difficult issues with the rebels. I throw out these suggestions to invite a general line of instructions from the department, so that I may regulate my course of action by the wishes of the President. While I am honored with this mission it shall be my study to carry out the views of the department, and, in the absence of instructions, to act according to the knowledge I possess, with an eye directed singly to the honor and good of my country.

I enclose herewith extracts from a correspondence to which access has been kindly given, that you may have a more distinct view of the affair at Amoy than you will obtain, probably, from any other source.

Should China separate into different kingdoms or *free cities*, the United States will be directly called upon to take position in regard to them. Now, I venture to suggest that a large margin shall be left to the Commissioner to act in that matter promptly, so as to secure commercial advantages.

It may well be that the new government at Nankin, upon the withdrawal of the imperialist army from its present position, in order to add security to the throne, and to impress the people of China with the consistency, order, and solidity the new dynasty has already acquired, may be solicitous to form treaties of amity and commerce with western powers; to invite foreign ministers to reside near his court; to proclaim religious toleration within his realm, and certain securities to personal rights; to open additional ports of entry, and to throw open the navigation of the Yangtsze Kiang. These points he may well agree to yield for the acknowledgment of his throne by western powers, since the moral influence such an act on their part would exert over the Chinese mind would effectually prevent further efforts by the Manchoos to regain the southern country, and might arrest a long career of misrule, anarchy, and the spilling of blood.

There is another consideration which may well be suggested in this connexion. The British minister has been to Nankin. His interpreter has revisited it since the departure of Sir George Bonham for Hong Kong. He goes to find out "what the rebels are about," and his intercourse with their camp and their princes has served to awaken in his bosom the warmest sympathy in their cause! The long articles in late numbers of the North China Herald (which I send you) are attributed to Mr. Meadows's pen. His position in the legation of Great Britain, his fluency in speaking and writing the Chinese language, lend every opportunity of assuming the *protectorate of the young power* to Great Britain, at least so far as to mould its first steps to suit the policy of *that government*. The vigilance of England will be nothing strange to communicate to the Secretary of State. The apprehension I have is,

that Great Britain may obtain the opening of a western Chinese port (inland) from the new Emperor at Nankin, and the right to navigate the Yangtsze Kiang closed from *foreign* commerce beyond the existing port of entry. I do not doubt that with that view her war with Burmah has been waged and her Indian empire extended. The portage from the Ibrawaddy to the Yangtsze Kiang is very short. I suggest these considerations to you frankly, because they seem to me to point out the propriety of preparation to assume the part the United States may find it politic to take in face of an event now so likely as the dismemberment of this empire.

If it shall be the pleasure of the President to intrust to my guidance the progress of the mission, hourly more delicate and important, I can only say that it shall be my study to vindicate his confidence by the results I attain; but I must earnestly request a proper supply of the means of moving from one point to another along this coast. Frankly, also, I think it due to the President to say, that if he has any preference to devolve these duties on another, any intimation of such feeling would command my resignation, or may be the signal for my recall; for I cheerfully subscribe to the sentiment that the occupancy of station confers no prerogative, nor the desire for place any claim. The public interest should be the only aim.

I have the honor to acknowledge the receipt, by the mail to-day, of despatches Nos. 6 and 7 from the Department of State. I received some time since a despatch granting leave of absence to Dr. Parker. I think it proper to call your attention again to the fact, that there is not a volume of the congressional debates, the Congressional Globe, the diplomatic correspondence, the State Papers, or anything else usually sent to the United States legations, among the books of this mission. There are no law books in the commission, no flag; Dr. Parker says none were ever here from the time of Mr. Cushing.

In reply to despatch No. 6 from the department, let me observe, that presents of rare and costly works to this government are thrown away. The officers to whom the other volumes of "Wilkes's expedition" were delivered received them politely, *but left them all at Canton*, where they now are. His Imperial Majesty never heard of them, I presume. The attention of the Commissioner, it is said, was once called to the neglect, and he replied that the volumes would be sent to Pekin when they were translated so that his Majesty could read them.

I have received from Dr. Macgowan at Ningpo an offer to collect plants, seeds, &c., for the Patent Office in the agricultural bureau, which it is proper for me to bring to your attention. I have no funds on which to draw for any such expenditure. He says that my predecessor, Mr. Everett, partially made an engagement with him for the purpose, but it was broken off by the death of that officer. There may be some benefit derived from such an essay to transplant within moderate bounds.

I am, sir, your very obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. Marcy,
Secretary of State.

Extracts from a correspondence of a mercantile house at ———.

SHIP "LORD AMHERST,"
Amoy, May 18, 1853.

GENTLEMEN: * * * It was rumored last evening that the rebels would attack the city during the night, and we were all on the alert and under arms; but they did not make their appearance until 4 o'clock this morning, when a large body of men were landed, and immediately proceeded to the residences of the Haifung (chief magistrate) and Haignan (chief officer of customs.) Those mandarins had, however, fled; but their houses were plundered by the rabble who followed the rebels, and that of the Haifung was burnt. Whilst these scenes were going on in the city, a most exciting one was being enacted at the water-side. A large fleet of mandarin junks had just come in from the sea, where they had been cruising after pirates, and a fierce engagement at once took place between those and the junks belonging to the rebels, in which the latter were entirely routed. Some were burnt and others escaped by flight. The victors immediately landed a large body of men and threw them into the citadel, which they are now bravely defending, although attacked on all sides by the rebels. It is doubtful which side will gain the day. The rebels are expecting a large reinforcement about noon; whilst it is rumored that 1,000 Tartars are on their way here, and close at hand. Most of the population of the city are on the house-tops, anxiously watching the progress of the battle. Not the slightest molestation is being offered to foreigners by either party, nor do I think there will be. Our only apprehension is, that the city may be fired during the coming night by thieves, under cover of which they may endeavor to plunder the foreign hongs; in which case great loss of life and property must ensue. The citadel is situated between the foreign hongs and the British consulate, so that all communication with the latter is cut off, and we have heard nothing from the consulate gentlemen to-day. Their treasure, (some $9,000,) with the records, had been previously placed on board the "Lord Amherst." A large mob is now pulling down the Haignan's house, distant about 70 yards from where I am now sitting. * * * * *

I remain, &c.,

——— ———.

———

ON BOARD SHIP "LORD AMHERST,"
Amoy, May 19, 1853.

GENTLEMEN: * * * The citadel of Amoy was taken by the rebels yesterday at 2 p. m., they having received considerable reinforcements. At one time there could not have been less than 10,000 men under arms, including those who joined their ranks from Amoy. The citadel having been taken, the official residences of the mandarins were given up to plunder, and were thoroughly sacked. The fate of the mandarins themselves has not been ascertained, but it is supposed they were either put to death or committed suicide. On the capture of the citadel the fleet of mandarin junks took to flight; some were,

however, taken by the rebels, a few of which were burnt, and the remainder are being used by them as transports. At about 6 p. m. yesterday a large detachment of the rebel army again embarked and took the direction to Changchow. Everything was done in a quiet, orderly manner, and the troops appeared to be entirely under the control of their leaders. Not the slightest molestation was offered by them to foreigners or to natives, except to such of the latter as were connected with the *late* government. At 8 p. m. last night a strong body of troops was detached from the citadel to guard the foreign hongs, around which they continued to patrol until daylight this morning. A guard was also furnished for the protection of the British consulate; in fact, every care seems to have been taken by the rebels to protect and conciliate foreigners, who, on their part, are cautious not to give them occasion for offence. The shops in the city are open to-day, and people are quietly pursuing their usual avocations. I do not think any business will be transacted by foreigners for a few days, and then only in drug (opium.) Our goods market will remain shut until some regular system of government is organized, which will be a work of some time. The leaders of the rebels here at present appear to be men of a low class; but I hear that two officers of higher rank are expected here to arrange matters.

The members of the short-knife society (same as triad society, I imagine) are intimately connected with the insurgents here; but among these I am sorry to observe a number of Singapore, low Chinese, and others, well known to us as bearing very indifferent characters, and who appear to have very considerable influence with the leaders. If those people continue to get into power here, I do not anticipate much benefit from the change of government; but it is impossible to foretell, as yet, what will be done. Our only plan is to remain quiet, and watch the course of events. * * * * * *

I remain, your obedient servant,

——— ———.

AMOY, *May* 19, 1853—6½ *p. m.*

DEAR SIR: * * * I called on the insurgent chief just now, ostensibly to procure papers for my overland runners that had lately been turned back, but really to ascertain, as far as possible, what prospect there was of resuming trade. I found him very civil and polite, but so immersed in business of various kinds that I saw that it would be premature to mention the subject I wished to obtain information respecting. He is a man of about thirty-five years of age; of very staid and quiet demeanor, and cool and collected. All his orders appeared to be implicitly and respectfully obeyed. I enclose a copy of his last proclamation. He appears to be inclined to carry out that part of it referring to the punishment of thieves to the letter, for four offenders were summarily executed to-day and yesterday; still, plunder to some extent prevails, and a party of soldiers are now in hot pursuit after a body of thieves in the adjoining street. So it behooves us to *be still strictly on our guard*, and not to be deceived by false

confidence. But I hope the Rattler will soon be here, when we shall feel more secure. * * * * * * *

In haste, &c.,

——— ———.

Proclamation by Hung, commander-in-chief of the forces under the Chinese great Ming dynasty.

To enforce military discipline for the security of commerce and the inhabitants, we know that, according to the revolutions to which the universe, both heavenly and terrestrial, is subject by nature, a long state of inertia, when arriving at the extreme end, must induce commotion like anarchy, and that subversion of things, on reaching its climax, will acquire solidity.

The same principle is applicable to empires. The Tartar dynasty has now lasted a long period of two hundred years. Rapacious mandarins and their depraved subordinates are cruelly oppressing the people; accordingly, the time is at hand when the term of its existence is to be run out; the empire is at its last breath.

The commander-in-chief being invested with the command of a humane and righteous army, we come to rescue the suffering people and to put down oppression.

The troops shall not be allowed to plunder the merchants and people, nor to debauch the females, on our arrival in your city, and no crime whatever shall they commit at any place through which they shall pass; and if any disobey my commands, they shall be dealt with according to martial law, and immediately executed with the strictest impartiality. All of you, merchants and people, may therefore pursue your occupations in peace and quiet, and need have no alarm. These, my commands, are implicit, and I, the commander-in-chief, am prepared to enforce them. Let each of you pay respectful obedience, and offer no opposition.

A special proclamation, 50th year of cycle.

TAI-TIH, KWEI-CHAU,

Year 4th moon, 10th day.

AMOY, *May* 24, 1853.

GENTLEMEN: * * * * * * *

All transactions in goods are at an entire stand-still, and no conjecture can be made as to the time when they are likely to be resumed. The rebels still hold the possession of the city, but they are weakened by divisions among their leaders; and should the imperialists rally in any force, they will not have much difficulty in retaking it.

The account I before forwarded to you of the destruction of the piratical fleet by the Rattler, has been confirmed. The officer killed was Lieutenant Pidcock. He had charge of a cutter, and pursued the fugitives, who escaped in boats. Some of them had seized two small junks, and were escaping in them; the cutter dashed alongside one of them,

when the other closed and crushed the cutter between them. Poor Pidcock and two of his men were instantly killed with spears; the remaining seven were wounded, but escaped by swimming and getting on small sampans, which took them on board the Rattler. * *

I am, &c.,

———— ————.

[Official—No. 18.] SHANGHAI, CHINA, *June* 1, 1853—10 *p. m.*

SIR: I avail myself of the departure of the Lady Mary Wood steamer to submit to you the copy of a correspondence between Edward Cunningham, esq., vice-consul of the United States at Shanghai, and myself. To the facts exhibited by the papers themselves, and by other despatches, I have but to add, that the mail arrived at this port last night, and that the letters and newspapers for the naval officers and men are ready to be forwarded. The mission of the Plymouth has ended, and the "certain time" having arrived, she sails to-morrow morning for the post of her "orders," leaving American lives and property in China in the jaws of a revolution—defenceless and exposed.

I am, sir, your obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

UNITED STATES CONSULATE, SHANGHAI,
May 28, 1853.

SIR: I have the honor to hand you copies of a correspondence between the American merchants of this place and Commander John Kelly, of the United States ship Plymouth, relative to that vessel leaving this port at the present time.

Your excellency will observe that the only reason given for not acceding to the request to remain, is an intimation that danger does not exist—an opinion for which the grounds are not given, and which is *inexplicable* to any resident of the place. I need not enlarge to your excellency upon circumstances already well known to you, and which, to the mind of every intelligent and well-informed member of the foreign community, endanger the interests and even the personal safety of foreign residents; but I simply hand you this correspondence on behalf of the American merchants, with the hope that *you* will *yet* be able to step between them and the threatened abandonment.

I have the honor to remain, sir, very respectfully, your obedient servant,

EDWD. CUNNINGHAM,
Vice-consul, U. S. A.

His Excellency HUMPHREY MARSHALL,
Commissioner, &c., &c.

Enclosures with the foregoing.

No. 1.

SHANGHAI, *May* 25, 1853.

SIR: We are induced to address you upon the subject of the Plymouth's departure from this port, under the knowledge that it is your present intention shortly to withdraw her, and by the advice of his excellency the Hon. Mr. Marshall, United States Commissioner, who informs us that he cannot control your movements, and that her disposition has been left to your discretion by the commander of the American East India and China squadron. We beg to express the opinion, founded upon the best information that has been or that it is possible to obtain of the present condition of this country, that at no time since the establishment of the treaty has the presence of men-of-war at the different ports been so necessary as now.

The United States government has thought itself bound, by the treaty obligations and by the interests of an important trade, to keep constantly in the Chinese waters a squadron of two or more vessels in times of peace and tranquillity; and now, at a season of convulsion and change, so violent as to threaten the existence of the very cities which our government has induced us to select as places of residence, with every promise of protection, we suddenly find ourselves about to be left without a gun to defend us. If our property should be lost in consequence of the want of protection which would be afforded by the presence of a man-of-war, we should confidently look to our government for full remuneration; as, by your withdrawal, you would cause it to be responsible for the effects of an abandonment made in the face of its obligations under the treaty, and of *our protest against such a disregard of our right to protection.*

We sincerely trust that full and mature consideration of the circumstances will yet induce you to delay your departure until the state of affairs warrants us in feeling secure in persons and in property.

We remain, sir, respectfully, your obedient servants,

RUSSELL & CO.,
WETMORE & CO.,
BULL, NYE & CO.,
AUGUSTIN HEARD & CO.,
SMITH, KING & CO.

To Commander JOHN KELLY,
United States ship Plymouth.

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No. 2.

UNITED STATES SHIP PLYMOUTH,
Shanghai, May 28, 1853.

GENTLEMEN: Your communication of the 25th instant has been received; in reply to which I have to state, that my instructions from Commodore Perry, commander-in-chief of the United States squadron

ast India and China seas, direct me to remain at my present
ge up to a certain time. The discretion is then left with me
n or to proceed, in obedience with my orders, when I may con-
ıt I can do so consistently with the respective claims of the ser-
the ship, in the general protection of the interests of the United
ı these seas.

s not appear to me at present that the insurgents anticipate
/e on this city. Should, however, any move be made by them
ıg an attack of Shanghai, I assure you I would remain and
ıll the assistance and protection in my power.

ain, gentlemen, very respectfully, your obedient servant,

JOHN KELLY, *Commander.*

's. RUSSELL & Co.,
WETMORE & Co.,
BULL, NYE & Co.,
AUGUSTIN HEARD & Co.,
SMITH, KING & Co.

—

No. 3.

SHANGHAI, *May* 28, 1853.

I have the honor to acknowledge the receipt from you of copies
respondence between the American merchants of Shanghai and
nder Kelly, of the Plymouth, in relation to the stay of the Ply-
ıere.

whole community knows what *my* views are as to the propriety
merican man-of-war remaining here. If there is any such thing
al responsibility, they must incur it who *abandon* great interests
ıch circumstances.

:et to say that *my* intercourse with Commander Kelly leaves me
ɔn to suppose that any suggestion from me of prudence or duty
nduce him to delay his voyage longer than the arrival of the
If the rebel army were to move on this section *before the mail*
I believe he *would* incline to remain; but I think it would re-
ı actual display of banners or spearmen to keep him.

m, very sincerely, yours, &c.,

HUMPHREY MARSHALL.

D. CUNNINGHAM, Esq.,
Vice-consul United States of America at Shanghai.

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l—No. 19.] SHANGHAI, CHINA, *June* 8, 1853.

The French war-steamer Cassini, which has been kindly de-
t this port by her commander for the past two weeks on ac-
f the exposed condition of the foreign population of Shanghai,
about to depart; the British war-steamer Hermes having re-
in compliance with the promise of Sir George Bonham.

transport *chartered by* Commodore Perry, the Caprice, came

in yesterday for coal, &c., and reports the United States steamships Susquehanna and Mississippi, with the corvette Saratoga and the ship Supply, stationary at the Loochoo Islands. The Plymouth was met on her voyage thither. I received no communication from Commodore Perry, and know nothing of his designs. The peaceful and quiet anchorage he enjoys at Napa was not more easily procured than will be his anchorage in any of the ports of Japan. I am persuaded that Japan has adopted the policy of "*non-resistance, but non-intercourse.*"

Should that prove true, it would seem to terminate the expedition to Japan, unless it may be deemed good policy under that title to station the fleet so far from China to prosecute the collection of natural curiosities and of daguerrean sketches, or to exhibit to the natives the locomotive and other specimens of mechanical art with which "the expedition" is charged.

While the naval force of the United States in these seas shall be thus profitably employed in the diffusion of knowledge, you will bear in mind the fact that the citizens of the United States in China *are crying from all quarters for protection, and, being already left defenceless, will be compelled, in case of any sudden emergency, to appeal to Great Britain, France, or Portugal to protect them. The British war-steamer Hermes is now anchored in front of the United States consulate at this city!*

There has been more fighting at Amoy since the date of my last despatch, but the insurgents remain in possession of the city. The British ship Rattler is stationed there "for the protection of British subjects *and other foreign residents.*" The official report of the acting consul at Amoy is enclosed herewith, though the information contained in it has already been partially communicated in my despatch No. 17. I need not repeat that, however Amoy may be subjected to plunder, or what questions may arise, it is beyond my power to extend any assistance to the citizens of the United States, for want of naval force. (Vide enclosure No 1.)

I have received a communication from the commercial agent of the United States at Lanthala Rewa, Fejee Islands, asking the presence of a sloop-of-war for the purpose of enforcing certain reclamations. I do not have any power to extend the relief required, and therefore I enclose the papers to the State Department. (See enclosure No. 2.)

Certain merchants of the United States having made arrangements to ship from Fuhchowfoo during the present season, I have considered it advisable to confer on Mr. Charles W. Orne, a citizen of the United States, the temporary appointment of consular agent at Fuhchow. He will be enabled thus to extend some shadow of protection over the Christian missionaries who are at that place. Should the operations of the season promise future utility or necessity for a consul at Fuhchow, I will name some fit person for the appointment by the President.

The delay of the governor-general to make any reply to the message which I directed the vice-consul to communicate, as alluded to in my despatch No. 17, induced me to address him directly, and to forward my letter to him at Suchow by my Chinese writer. This I did five *days ago.* My messenger has not yet returned. I enclose a copy of *my note,* marked No. 3.

The armies of the two Emperors continue inactive in the positions

ıeretofore occupied, from Nankin to Chinkiangfoo. In the mean time, he Tartar Emperor at Pekin, through officers at this place, is supplyng himself with a fleet of vessels foreign built, rigged, and armed, ınd invited to his service, by the stimulus of increased wages, the seanen and mariners of western nations. Numbers have deserted from he decks of both public and private vessels of Great Britain and the Jnited States. Indeed, to such an extent has this practice been carıed, that it is with great difficulty the seamen can be retained to conluct American ships homeward bound. The suppression of desertion an never be effected unless the United States will consent to build a uard-house here and another at Canton, to be kept by the United States marshal at each port. American sailors, when lodged in a Chiese jail for bad conduct, either terrify the jailor until he releases them, r break down the jail and walk away.

I am, sir, very respectfully, your most obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

Confidential.] JUNE 8, 7 *p. m.*

N. B. I have ascertained, from undoubted authority, that Sir George Bonham did receive at Nankin, from the high ministers of the new Emperor, (the rebel chief,) an imperial letter, which treated of the navgation of the Yangtsze, expressed great good will towards western ations, and alluded to the willingness of the taipingwan to establish the ıost liberal commercial intercourse. Sir George Bonham never ropped even a hint to me of any such transaction, and doubtless as communicated it only to her Majesty's government. My present nowledge is, *beyond doubt*, true; and it will serve to prove to you ow essential it is that I shall have the means of moving from point to oint. I hear from Captain Fishbourne, of the Hermes, that the rebels t Amoy *do* acknowledge allegiance to the chief at Nankin, and form art of the same combination.

The news at Canton, when the Hermes left, was, that a body of fty thousand rebels was organizing to march on Canton. The British ıerchants at Canton had applied to Sir George Bonham to post British troops in the foreign hongs. I have heard, also, this evening, that detachment of four thousand rebels has lately left Nankin, and it is ıpposed they are marching on this section. This city is the military ey of the whole country, and if *it* was in the hands of him at Nankin, ıe city of Pekin would begin to suffer without much time lost. Events re crowding on each other at a wonderful rate, and the future of hina breaks upon us with the deepest interest.

H. MARSHALL.

No. 1.

UNITED STATES CONSULATE, AMOY,
May 21, 1853.

SIR: I beg to inform you of the insurgents arriving and attacking this place on the morning of the 18th instant at 5 a. m., and of their taking possession of the city about two o'clock in the afternoon of the same day. There was but little or no fighting during the taking of the citadel, as the principal mandarins had taken flight the day previous, and the government troops made but little resistance. The government houses were entered upon the arrival of the insurgents and given up to be plundered; most of which have been destroyed, together with several men-of-war junks. Too much credit cannot be given to the insurgents for their strict discipline against plunder, and for the efficient police which was placed at the foreigners' command in guarding the hongs and property. Not a house has been attacked or injured belonging to private individuals, and there has been no animosity shown on the part of the rebels to injure or interfere in any way with the foreign community; on the contrary, they have done every thing in their power to protect lives and property, and also to keep good order throughout the city, and at the same time they assure us of their policy being most favorable to us. At present there has been no one selected to fill the offices which have fallen vacant, but the principal leaders are very busily engaged in organizing some kind of a government until orders can be received from the commander-in-chief at the north. Those that have the power in their hands at present are persons knowing but little of conducting the affairs of government, and, as there has been some dissatisfaction manifested among the most influential men, it is to be feared that the present rulers will not hold the place but a short period, as their acts and confidence cannot be relied on by the people. The rice question, together with that concerning the price of copper cash, is making some considerable excitement among the dealers, and unless these are satisfactorily arranged shortly, I anticipate serious consequences on the part of the inhabitants. Should such a crisis come, it is to be feared that plundering will become general, and we cannot say how safe our lives and property may be. As we have at present no vessel-of-war here for our protection, great apprehension is entertained of the plunderers attempting to sack or fire the hongs. Should they attack, we could not rely on any of the Chinese police, but would have to trust to the few sailors that might be landed from the merchant vessels to protect our lives and property, which would be in imminent peril. If one of our sloops-of-war could be stationed here until the excitement prevailing has subsided, and some kind of government established, it would be of the highest importance to have immediate assistance.

I most respectfully ask your excellency's instructions relative to the

ıt government; and am, with the highest respect, sir, your most ɜnt servant,

C. W. BRADLEY, Jr.

ɔ. Humphrey Marshall,
United States Commissioner, &c., &c., &c.

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No. 2.

United States Commercial Agency,
Lanthala Rewa, Fejee Islands,
January 1, 1853.

: I have the honor to inform you that the cases of plunder and tion of my property and that of the barque Elizabeth, whaler, ɜetown, Massachusetts, left by Captain Magruder, of the United ; ship-of-war St. Mary's, to arbitration, in August, 1851, a copy ıich is herewith enclosed, has never yet been attended to. The ıators have verbally informed me "that if the natives, or Tha-ıu, the so-called Timbiti, would only think as they thought, it l be forthwith paid; that the claim ought to be paid."

ıve recently been informed that from policy and fear of the na- they could not act. This I believe to be true; for no man or living in these islands can act upon any matter of arbitration, and ıtice as arbitrators, without injury indirectly to themselves by the s.

ɔwing the character of the natives, I strongly objected to arbitra- y any men residing in these islands; surprised and astonished Captain Magruder did not leave it to his officers to decide, rather o men who, from policy and fear of the natives, could not do jus- decide upon the matter. Since the departure of the St. Mary's atives have laughed the matter to scorn, saying the ship-of- vas afraid of him, the chief, and the "natives;" and the chief ıce purchased a handsome schooner of ninety tons, or thereabouts, is now in his possession, and could be made a reprisal of until the ; are paid. The regulations, or treaty, made by Commodore s with the chiefs of these islands, in 1840, distinctly states, "the l shall be protected both in person and property." Being here representative of my government, I am *not* protected. The chiefs ıtives of the Feejee have the means, and ought to be made respon- o pay for the spoliation and plunder of property by their subjects, ɜy are not ignorant of the punishment due for such offences and s. Why, then, should they go unnoticed and unpunished? In ıer countries our citizens have received, at the hands of our gov- nt, satisfaction and reparation for losses sustained, and payment, interest, for plundering and spoiling property; and I do myself ɔnor to beg respectfully to request that one of our ships-of-war ɔroceed here, from the China or other stations, and demand and on the payment of the claims long due.

s very requisite that a ship-of-war should call here, and at the *nt islands, at least once* in six months, (a steamer would be pre-

ferable,) on account of the large number of American vessels trading and whaling here and in the neighborhood, to aid the commercial agent in the performance of his duties. Two cases of mutiny on board ships have recently occurred, distressing the ships. *Ten* of our vessels arrived here the last six months.

I have the honor to be, sir, your most obedient servant,

JOHN B. WILLIAMS,

United States Commercial Agent Feejee Islands,
at present on board the barque John H. Millay.

To his Excellency
The MINISTER *of the United States to China.*

A copy of the note is also herewith forwarded where the chief agreed to pay the fine levied.

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UNITED STATES SHIP-OF-WAR ST. MARY'S,
Rewa, Feejee, July 28, 1851.

GENTLEMEN: You are hereby constituted a board of arbitration to take into consideration, and finally to dispose of, the case of the American whaling barque Elizabeth, which was lost at Lavuka Ovalan in February, 1846. The natives of that place are charged with robbing her to the amount of one thousand dollars in property. It will be your duty to investigate the facts connected with the case, by credible testimony, and bring in your award of damages accordingly; which Tui Viti and Tui Lavuka will be required to pay over to the United States commercial agent at this place.

In addition to this case, you will also investigate the circumstances connected with the robbery of Mr. Williams, the commercial agent of the United States at this place, as detailed in the written communication herewith submitted, by people of the Rewa district, inquiring into the facts of the alleged losses, and the correctness of the charges set opposite to the articles enumerated in the schedule. Your object will be to act with strict, impartial justice, both towards the natives and Mr. Williams, and your award as to the damages sustained, or fine to be levied on the people of Rewa, shall be final and conclusive. Tui Viti will be held responsible for the payment of the amount you may agree upon. Its faithful fulfilment will be demanded and insisted on. Payment to be made in the products of the country, viz: oil, beche de mar, shell, arrow-root, pigs, yams, &c., and a reasonable time allowed to collect it together.

In case of a difference of opinion between you, a third person may be called on, as agreed upon between you. A just and reasonable rate of interest should be allowed Mr. Williams on the amount of loss, from the time of its occurrence.

I am, gentlemen, very respectfully, your obedient servant,

J. H. MAGRUDER,

Commander of U. S. ship-of-war St. Mary's.

To the Rev. JAMES CALVERT and Mr. DAVID WHIPLY.

ıe above has been fully explained to the chief, and he has given onsent for the payment of that which was actually stolen.

—

CRAIGROONY, OVALAOR, *June* 11, 1851.

r DEAR SIR: In reply to your letter dated the 8th instant, where-ıu request me to inform you of the nature of the conversation that place respecting a fine proposed by you for the robbery of certain erty at Mukulan, I beg to state, for your information, that I per-y recollect being present at Mukulan when a certain conversation ed between Comorina, (or Phillips,) the then principal chief of a, and yourself, on the subject of a fine imposed by you (to be in beche de mar) upon the Rewa territory, on or about the 6th ıly, 1849—nearly two years ago, as far as I recollect, for I did ıot take a minute of it in writing. Phillips mentioned that "the stated by you, viz: 'two months,' was too short for his people to it in, and requested a longer period," when you consented to ex-it to three months; and this Phillips agreed to.

: the time, my own opinion was, that Phillips would pay the fine in e de mar, or tortoise shell. I perfectly recollect a sample bag (to ıin a picul of beche de mar) being handed to him, and I believe ırried it away on his canoe.

I remain, dear sir, yours, &c.,

THOS. F. McDOWELL.

—

No. 3.

SHANGHAI, *June* 2, 1853.

ıphrey Marshall, Commissioner of the United States of America, :., makes this respectful communication to I-liang, governor-gen-al of the Siang Kiang, &c.:

wo months have elapsed since a letter, addressed by the under-d to the prime minister of the Ta Tsing empire, was despatched ıgh the taoutae of Shanghai to its direction; a sufficient time, twice to have afforded the opportunity for reply.

ıme ten days have elapsed since the undersigned was informed the said letter still remains in the hands of your excellency at Su-r, and that you desire to know "if the American Commissioner yet ed the letter to be sent forward to Pekin."

ımediately the undersigned instructed the vice-consul of the Uni-States to say to the inquirer, that "as the necessity for the letter : from the absence of the governor-general of the Siang Kiang, and lure on the part of the American Commissioner to see any proper ic functionary through whom to transmit to his Imperial Majesty a r from the President of the United States, so an interview with the rnor-general of the Siang Kiang, enabling the undersigned to com-icate with his Imperial Majesty through an authorized minister, ld *dispense with the necessity* of sending forward the letter in

your excellency's possession; that the undersigned would hold such interview at Shanghai, or at Suchow, at the pleasure of your excellency, on such early day as your excellency might appoint for that purpose; but if the official engagements of your excellency forbade the proposed interview, nothing remained but to address the prime minister directly, and in such event the letter now in your excellency's possession should be forwarded to Pekin without delay."

No message has been received to indicate the course your excellency will pursue, or what the undersigned may expect. It seems proper, then, to repeat directly to your excellency what the undersigned has caused to be communicated heretofore indirectly, and perhaps informally. In doing this, the undersigned avails himself of the occasion to say to your excellency, that while the government of the United States, represented in the person of the undersigned, entertains a very sincere wish to maintain friendship with China, *there is a limit* beyond which the omission of courtesies due to that government through its minister cannot be submitted to patiently without a sacrifice of self-respect.

The undersigned has in vain attempted, since January last, to present his credentials of office, so as to enter upon the transaction of such affairs as belong to his public duty. He feels that he should treat your excellency so frankly as to say, that this unusual delay must be suggestive of promptness of action for the future. Therefore, he hopes your excellency will be ready now to adopt some course, definitively, upon which the undersigned can regulate his own. The undersigned avails himself of the occasion further to notify your excellency that, in case the proper steps to receive the undersigned in his official capacity are not taken in a reasonable time, he will feel under compulsion to retire from China, and to report to the President of the United States of America the violation of the treaty by this government. When the undersigned shall take that grave proceeding, the payment of all duties by American ships will cease at the five ports of China from that date, by order of the undersigned, and whatever responsibilities may ensue will be left to the uncertain future for adjustment.

A necessary communication.

HUMPHREY MARSHALL.

[Official—No. 20.] SHANGHAI, *June* 21, 1853.

SIR: The letter which I sent to the governor-general by my Chinese writer was not delivered at Suchow, because the Chinese employés at the yamun of his excellency professed to be afraid to deliver a letter "from a foreigner" "to his excellency" unless it should come through the taoutae. My messenger, therefore, returned the letter, the seals unbroken, and reported his inability to gain access to the viceroy, for the purpose of delivering the missive in person.

I struck out of the letter the last clause, and inserted in lieu of the declaration that I would order the payment of duties to cease, the following:

"When the undersigned shall take this grave step, there will remain no further opportunity to rectify what may now be prevented. The

undersigned will take final leave of China from that date." Having made this alteration, I determined to send an American, attached to to the consulate, back again to Suchow with the letter, and under the flag of the United States, with a special passport from me. In the mean time, however, the taoutae called upon me to make an apology for a deserter from an American ship having been employed on a Chinese public vessel, and, while with me, professed his great desire to induce the new governor-general of the Siang Kiang to have an interview with me, in order to transmit my credentials of office to his Majesty. He said he was about to despatch the prefect of this department with a letter urging his excellency to appoint a day for such an interview; and I determined, therefore, not to send any message for the present. The prefect did go accordingly on the 13th, and arrived at Changchow on the 16th, but found the governor-general had proceeded on the 14th instant to Nankin, and was expected to return to Changchow on the 21st. The taoutae informed me of the facts to-day, and said "he hoped to be able to announce the day and place for an interview between the governor-general and myself by the 26th instant, at some point between this city and Nankin, to which he will accompany myself and suite." Should he fail to have a day fixed for such an interview, I shall then despatch my messenger *to demand the transmission of my credentials to Pekin*, and shall patiently await the reply to my letter to the prime minister, and the orders of the President as to my future movements. The absence of the entire naval force from this coast leaves me so utterly powerless as to inspire me with great caution. I could only return to Canton, at all events, in a little schooner belonging to an English mercantile house, for there are no steamers running here regularly; yet this is the centre of Chinese politics at present, and of the military operations of the contending armies. It is here, on the Yangtsze Kiang, that the forces will ultimately settle the controversy.

The vice-consul has been applied to by the taoutae to restrain American citizens from trading with the insurgents in firearms and ammunition, &c., on the plea that "some foreigners had committed this illegal act, but their nationality had not been clearly ascertained;" and the vice-consul has issued a notification (see No. 4) to citizens of the United States, cautioning them to observe neutrality in good faith. It is very difficult to restrain the missionaries. I know personally of one of them having gone to Chinkianfoo, and having been entertained for two days as the guest of the military commandant of the insurgent forces; of his presence during an action with the fleet of the imperialists, and of his having a military escort a part of his way home! The insurgent chief at Chinkiang sent a letter by him to Shanghai, &c., &c. He came to me with the details of what he saw, and told me enough to have established his guilt, under the law of 1848, of a capital offence, (of which, however, I believe he was at the time ignorant,) were he put upon his trial for the crime. I directed the vice-consul to address him a letter cautioning him not to repeat the offence, and to abstain from publishing, as he proposed to do, an account of his adventure. Wisely, he took the advice, though he does not understand such interference by public authorities with the freedom of the citizen; and in the last

North China Herald the British seize the occasion to reflect quite severely on the authorities of "free America" for suppressing the narrative!

On the return of this missionary, another immediately departed for the same destination; but, not equally adventurous, did not reach Chinkiangfoo. These men go out "*to preach the Gospel,*" but their hearts are enlisted in the cause of the rebels; and in the case I have alluded to, the conduct of the party in giving advice as to military movements, and in supplying a pistol and spy-glass to the chief, and "in leaving an American musket in the camp," were acts of the most reprehensible character. I should not be surprised to have great difficulty yet with this class of our citizens. I received a letter from the Rev. Mr. Roberts, from Canton, sent to me by Dr. Parker, (who was originally a missionary and now has as much zeal as any,) which discloses an invitation to him to come to Nankin "to assist in establishing the truth." I send, also, a copy of my reply to Mr. Roberts's communication, marked Nos. 1 and 2.

I hear from Amoy that there has been more fighting, of which I send you the account I received from our acting consul. You may better comprehend the exact character of the movement, as well as the operations at Amoy, when I inform you that an Irish merchant of that place writes to his brother here, that *the chancellor* now on the bench dispensing justice is a servant who was a few months since discharged from *his* employment on account of his dishonesty!

When I look upon this noble country, and especially upon its magnificent inland water communications, its broad valleys, and the vast productive capacity of its fertile plains, I can but deplore the woful, criminal mismanagement, by a feeble despotism, of its abundant resources. I am convinced that there never has been, in the history of mankind, a worse government than that which for some years past has afflicted China. It is without strength, spirit, or capacity; too vain to learn wisdom, too ignorant to behold its own gross want of intelligence. It sits an incubus on the spirit and upon the prosperity of the people. But really I see very little to prefer in those who essay its overthrow. It would be very important to the United States, indeed to the world, could western powers unite in sending their diplomatists to Pekin *or to Nankin*, and so, by a timely interference, put an end to this internal strife, which promises nothing half so much as the utter paralysis of trade for years to come.

I am your obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

No. 1.

CANTON, *May* 30, 1853.

DEAR SIR: The other day Dr. Happer saw a letter in the hands of natives addressed to my place, and said to be from Nankin. Since

that I have received a letter—though not thought to be the same—purporting to be from *Hung-Sow-Tsuen*, the chief taipingwan, or prince of peace. I showed this letter to Dr. Parker, who is acquainted with official sealed documents, and he thinks it genuine. Hung-Sow-Tsuen's name is plain, and signed in full at the close, and stamped with a seal having on its face six ancient characters, which, plainly written in modern and translated, amount to "Tienteh, (taipingwan's device) the prince of peace's seal."

This letter refers to our former acquaintanceship, and the deep impressions remaining on his mind from the instructions received; states that he has frequently written to me, but knows not whether his letters have been received. It states that several provinces have come under his control; that myriads of men assemble morning and evening for worship, who observe the ten heavenly commandments, but few of them are versed in Gospel doctrines. The letter invites me "to come and assist, that the Gospel may be made plain, baptism (immersion) may be received, and the truth published."

Now, having maturely considered this matter, and believing, from what I know of the case, that it would be difficult to occupy a more important or useful station, I feel inclined to go to him at the earliest practicable moment; therefore, I beg leave to propose the following inquiries to you in your official capacity:

1. Would it be against the law of nations, or would I subject myself to the censure of our own laws, to go to him immediately, in the capacity of a minister of the Gospel, merely to preach to him and his followers the unsearchable riches of Christ?

2. If so, at what state of his progress would it be allowable?

3. Should the insurgents take the city of Canton, and send for me to go into the city and preach to them, would I not be allowed to go?

I hope you will favor me with replies to these official inquiries at your earliest convenience, and much oblige

Yours, truly,

J. J. ROBERTS.

Hon. H. MARSHALL,
United States Commissioner.

No. 2.

LEGATION UNITED STATES OF AMERICA, SHANGHAI,
June 20, 1853.

REVEREND SIR: I had the honor to receive your letter of the 30th of May, per the Andax, on this day, and, in compliance with your request, I proceed immediately to reply to your questions. They are as follows:

"1. Would it be against the law of nations, or would I subject myself to the censure of our own laws, to go to him (the rebel chief) immediately, in the capacity of a minister of the Gospel, merely to preach to him and his followers the unsearchable riches of Christ?

"2. If *so, at what time of his* progress would it be allowable?

"3. Should the insurgents take the city of Canton, and send for me to go into the city and preach to them, would I not be allowed to go?"

If there is any impropriety in my expression of my opinions on questions which might hereafter come before me in a judicial proceeding, let it be overlooked on account of my solicitude to induce my countrymen in China to pursue such a line of conduct, through these times, as to avoid all unpleasant issues, and to escape the censure both of laws and governments. With this predominating feeling I answer your note. I reply to your first question that, under the circumstances of this case, I should incline to consider your going to Nankin to preach to the followers of Tienteh as a violation of the neutrality the government of the United States desires to observe in the pending contest among the Chinese, of the law of 1848, and of the spirit of the treaty between the United States and China. What will amount to "insurrection or rebellion against the Chinese government with intent to subvert the same," (and which is, by section 15th, law of August 11, 1848, punishable with death,) will always depend on facts, which will vary each case. But in this case there can be doubt of the existence of the insurrection and rebellion which the taipingwan conducts, nor of its object and intent. Whether proceeding to Nankin "as a minister of the gospel, merely to preach to him and his followers the unsearchable riches of Christ," would be aiding, assisting, and encouraging the insurrection, so as to involve you in the commission of a high crime, would depend somewhat on your conduct after your arrival at the city of Nankin, for that would color your intent in joining the insurgents, and would be accepted as evidence to explain it.

Suppose, for instance, that the bond of union among the insurgents is belief in a certain religious creed of which you are their great and original teacher, and that, for want of acquaintance with the exact tenets of the faith, lukewarmness to the cause or discord in the camp is beginning to prevail, can it be doubted that your presence among the followers of such faith, to exhortations to adhere to it, your illustrations, to be deduced from Biblical history, of the triumphs which await those who die in a great cause, would impart new energy to the rebellion, and exert a most powerful influence over the minds of the insurgents? I cannot conceive what other mode of assistance and encouragement you could devise in which your individual exertions to maintain the insurrection would be nearly so potent as by the mode you propose to pursue. History abounds with examples of revolutions and reformations effected through exactly such instrumentalities. It will be useless for me to amplify or to illustrate so plain a view of the case.

Without deciding at what point of the progress of the rebel chief it would be allowable for you to join him, in order to exercise your holy calling among his followers, I will say that, in my opinion, the camp of the insurgents, and the moment when the sceptre of empire trembles in the balance, are neither fit place nor time for you or others—the citizens of a friendly power—to seize upon to display to the followers of Tienteh "the unsearchable riches of Christ."

Friendship for the Emperor of China is inconsistent with familiarity *at the councils* of war or at the camp-fires of his foes. While you *may not*, individually, profess this sentiment of friendship for his

Majesty, your government does continually by the terms of a treaty, by virtue of which only you are permitted to remain a single day in China.

By that treaty a heathen has assured you that, so long as you peaceably attend to your affairs at the five ports, which the treaty opens to commerce, this government shall be responsible for your protection in the free exercise of your religious opinion and forms of worship, for the security of your home, your property, and the pursuit of your occupation; the right to enjoy your church while living, and the privilege of Christian burial when dead; and, in the spirit of confidence and liberality, has transferred your amenability to law for offences to the tribunals established in this country by your own government. Now, would not one be worse than the heathen who, residing under this protection and these treaty guarantees, should assist and encourage, or in anywise aid and abet, the overthrow of the government? If China has relinquished so much of her sovereignty as to confide the correction of offences by American citizens to tribunals of the United States in China, such a grant of power, at the same time, imposes upon every citizen of the United States in China an especial obligation neither to violate the treaty nor to abuse the privileges he enjoys under it, and upon the tribunals and public authorities of the United States augmented obligation to enforce the penalties for violated law in the most perfect good faith according to the treaty. It will be useless to add, perhaps, that so regarding the duty of my government, and of its citizens under the treaty, and invested as I am with all manner of power to execute the treaty in good faith, according to its true spirit, I shall not shrink from any responsibility which may arise in the firm discharge of my public duty.

It will be my duty pre-eminently, while the government of the United States remains neutral in the contest existing among the Chinese, to see that the citizens of the United States in China sedulously refrain also from the slightest participation with it. "Lead us not into temptation" is the daily supplication of the Christian addressed to the Throne of Divine Grace, and none need the assistance of an omnipotent arm more than they do whose inopportune zeal overlooks place, time, and circumstance, for the proper exercise of a high and holy calling. Yours is a life dedicated to a labor of love, which justly attracts the benevolent sympathies of all christendom; but, my dear sir, that life would lose "its lustre and perfume" whenever you blend with the surplice of the priest the robes of the political reformer, and seek a proper theatre for your ministrations of the Gospel amidst the flaunting banners and glistening spears of men whose energies are centred upon the task of overthrowing the dynasty which rules their country.

I venture upon no expression of opinion as to the justice of this revolution; upon no expression of a hope for the success or defeat of either party. Such is not my province as a public officer. My remarks are entirely called forth by your inquiries, and are only to be applied as marking the lines of privilege and duty for the American citizen in China, who owes the duty of obedience to the policy of his own *government, to the treaty*, to the law of nations, and the laws of

the United States. The intemperate zeal, or the improper interference with politics of Christian missionaries, in past centuries, closed the eastern empires of China and Japan against intercourse with western nations. Just emerging from their protracted seclusion, it would be most unfortunate for themselves and the world that the first display before the eyes of China and Japan should be the torch of civil war, lighted upon the altars of their country by Christian teachers of religion!

In conclusion, permit me to observe that, from my very limited acquaintance with you, I have too high a respect for your character to fear that you will pass the bounds of your duty to the government of the United States, where the line of that duty is made plain; and I would have you to believe that I shall, instead of hereafter suspecting your performance of your duty, rely upon you firmly to sustain me in the due performance of mine.

Whether the rebels are in Canton or Nankin, you should decline going to them to preach. You have a chapel in Canton, at which regularly you officiate. There can be no objection to as many of them as may desire to hear you, visiting your chapel when you preach. Let motives of temporal expediency—of temporal duties which you owe as a good citizen—govern your actions for a time. When the policy of the United States shall render your intercourse with your distinguished pupil and his followers consistent with your duties as an American citizen, you will incur no danger from the free discharge of the ecclesiastical function, and you will find no difficulty in determining the proper occasions for its exercise, while you will be entitled to additional veneration for having exemplified by your own life the harmony which will ever blend the duties of the true Christian with those of the honest citizen.

With great respect, I am, dear sir, your obedient servant,

HUMPHREY MARSHALL.

Rev. J. J. Roberts, *Canton.*

No. 3.

United States Consulate, Amoy,
May 31, 1853.

Sir: In my despatch under date 21st instant, I advised you of this city falling into the hands of the insurgents. Since then rumors have been very prevalent of the intention of the imperialists to retake the place, and on the 29th (Sunday) the admiral arrived with 20 junks, and 700 to 1,000 men; but, unfortunately for his cause, he either underrated the force of his adversaries or was deceived by false information, so that he only landed one-half his troops, (himself stopping on board with the remainder.) The consequences were, the imperialists were allowed to approach near the citadel before any attack was given. Immediately the insurgents made the attack, the imperialists were routed and driven back to their fleet, with the loss of a colonel and several officers killed, and leaving 25 to 30 prisoners in the hands of

the insurgents. The imperial fleet immediately set sail, and has not since been heard of.

The great difficulty in the way of our present rulers is to provide food for the troops and inhabitants. Should they have to resort to forced contributions for that purpose from the people, it will cause a good deal of discontent. At present the town is in a very peaceful state, but there is a total stoppage of trade.

I am, sir, with profound respect, your obedient servant,

C. W. BRADLEY, Jr.

Hon. Humphrey Marshall,
United States Commissioner to China, Macao.

No. 4.

Notification.

United States Consulate, Shanghai,
June 20, 1853.

To American citizens resident in Shanghai and its vicinity:

The undersigned has received notice from his excellency the taoutae that certain foreign sailors or persons of that class, whose nationality has not been ascertained, have entered into communication with those subjects of the Emperor of China now in arms against his authority, upon the Yangtsze Kiang, and have traded with them in weapons and ammunition, and he requests the interference of the United States officers in case American citizens should engage in such proceedings.

The undersigned has therefore to request American residents to discountenance, by all means in their power, such open infractions of treaty obligations and international law; and he gives notice to any Americans disposed to such practices that, upon specific complaint from the Chinese government officers, they will be arrested, and, if the charge is proved upon them, will be duly punished under the laws of the United States, as by act of Congress of August 11, 1848, is provided.

EDWARD CUNNINGHAM, [seal.]
Vice-Consul United States of America.

[Official—No. 21.] Shanghai, *July* 6, 1853.

Sir: I informed you, in my last despatch, that after my messenger returned from Suchow without seeing the viceroy, I was induced to wait, to ascertain what would be the effect of a message from the provincial judge, before I proceeded to any uncivil measures. I was gratified that my letter threatening to stop the payment of duties did *not* reach his excellency, as that measure would have been an extreme, whenever *resorted to*, and I was quite sure the mere mention of the *fact that I contemplated it* would be sufficient. The provincial judge

who is also called *taoutae*, was evidently awakened to the importance of action in my case, for he despatched the prefect of the department of Sungkien to his excellency with a letter, informing him of my wish to send a letter to the Emperor from the President of the United States, and that a personal interview would be necessary for that purpose. When the prefect arrived at Suchow, his excellency had gone by Changchow to the vicinity of Nankin, and thither the prefect was ordered to follow with the message. These movements, of which I was constantly advised, occupied from the 13th to the 26th of June, when I received the compliments of his excellency, (through the provincial judge,) with a message that he was then on his way back from Nankin to see me; and, added the judge, "arrangements for the interview will be made so soon as the viceroy reaches Suchow, to ascertain which an officer remains now in waiting at Suchow." On the 28th of June I learned that his excellency had arrived at Suchow, and *would not trouble me to come there*, but had directed the provincial judge to arrange the meeting for Knoonsan,* a walled city, 90 le from Suchow, (30 miles,) 270 le (90 miles) from Shanghai, and accessible from both places by water. The judge wrote me a note, saying that *he* would start from Shanghai the next day, and suggested that I should start on the 30th of June. He promised to have everything in readiness for my accommodation by the time of my arrival at Knoonsan. I wrote a note to the provincial judge, reminding him that no direct communication had passed between myself and his excellency the viceroy, and stated that before I started it would be essential that such communication should take place, so that my visit would be to a certain point and time established by his excellency, in concert *with me*, without the intervention of any third person. I sent by the taoutae to his excellency the formal note of which you will find a copy in enclosure No. 1, and I received a reply thereto on the morning of the 2d of July, which you will find, translated, in enclosure No. 2 of this despatch.

I left Shanghai for Knoonsan at six o'clock p. m. on the 2d of July, accompanied by Rev. M. C. Culbertson, as acting secretary and interpreter; Mr. Russell Sturgess, jr., clerk at the American consulate at Shanghai; Dr. George Hall; Ashing, my Chinese writer; Dr. Culbertson's Chinese teacher; and the Chinese teacher of the consulate of the United States at Shanghai.

As occasions like this cannot frequently occur, it may be useful to my successors in office to record minutely the arrangements for this official interview, and the manner in which it was conducted.

My escort being small, seven boats were employed to transport us to Knoonsan; one for myself, one for each of the citizens of the United States accompanying me, one for the Chinese writer and teachers, one for the chair-bearers and servants, and one for the culinary department and mess-stores. Sedan chairs were employed for each of the persons attached to the commission. To mine were assigned eight bearers, to the consular clerk (acting on this occasion as consul) four, to the secretary and each of the others two bearers. As belonging to my rank,

* On Klaproth's map called Kaenshan.

chair was attended by two personal servants, (like outriders to a
ıtleman's carriage,) and to the consul one.
The flag of the United States floated at the mast-head of my boat,
l I kept it flying during the voyage and until my return to this port.
ongratulate myself that I have been the first to display the national
ign in the interior of China; and I am gratified to report that, un-
isted by force of any description, it was treated everywhere with
most profound respect. To exhibit my reliance upon the flag, it
s festooned also around my chair.
I arrived at the pagoda, three miles from Knoonsan, after night on
3d of July, and was waited upon on the morning of the 4th by an
cer to know "at what hour it would please me to visit the governor-
ıeral." I fixed the hour of twelve m., and, accordingly, at that hour
ived before the eastern gate of the city. The excitement of the
ɔulace was manifested by the hurrying to and fro of the men, women,
l children, of whom there were thousands upon the shores of the
ıkan-kee, to behold the strange flag and people now for the first time
ering the "Flowery Land." At the landing I was received by
utes from the mandarin vessels attached to the custom-house, and
m the boats of mandarins who had come to Knoonsan *for this occasion.*
ıes of Chinese soldiery were drawn up on the shore. As I passed to
chair on the landing, bands of Chinese music struck up airs, which
musical attainments are altogether inadequate to describe. There
re thousands of persons (known to me as gentlemen by their silk
l crape robes, and the fans they held over their heads) who thronged
open space in front of the landing. The Chinese women, contrary
what I had supposed was the national custom, in their holiday attire,
re in the doors and windows and on the sidewalks in front of all the
ıses. I have never in my life seen a whole population so well dressed
this at Knoonsan—never a more healthy and good-looking people,
one more gentle and well-behaved. The chairs were escorted by a
ps of soldiery, and I remarked that policemen were stationed on
ıer side of the streets at intervals of some thirty or forty paces; but
aw nothing in the demeanor of the people to call for any such pre-
ıtionary measure. Both sides of the streets from the landing to the
ıple (about three-quarters of a mile) were literally lined by masses
ıuman beings, animated by the most intense curiosity. This I grati-
l so far as I was able. I have never seen more perfect order pre-
ved in such an assemblage of people. There was no noise or con-
on; no crowding and rushing upon each other with exclamations and
s, as I have sometimes witnessed elsewhere. The curious feature
this scene was *the entire population habited in their best attire,* and
aged in the duty of accepting the guest of the viceroy. I did not
one single man who was not cleanly dressed. The women wore
vers in their hair, and the children were neatly clad, as for a gala.
ere was no such thing as mistaking the intent of *the people* to give
a welcome, as well as the public authorities.
Arriving at the temple, I was introduced into a large court, where
departmental authorities were drawn up in order to pay their re-
cts. I made my bow, in acknowledgment of the courtesy. I now
v a very *venerable man, of* near seventy years of age, advancing

to meet me. It was the viceroy, I-liang, a kinsman of the Emperor, and now holding a rank, as governor-general of *three* provinces, second only to that of his Imperial Majesty. He is now engaged on special duty, (besides his civil appointment,) as inspector and supervisor of the Emperor's army of operations against the rebellion. The viceroy is now bent by age and debility; but traces of the manly beauty he once possessed are yet to be seen. His nose is slightly aquiline; his eyes large, black, and piercing, (though the sight of one is impaired;) mouth, broad; lips, thin and compressed; hair, moustaches, and beard, white from age. He is a thin, spare man, of about five feet ten inches in height. Though evidently he is a well-bred gentleman, the occasion of meeting a foreigner was so perfectly new to him, that his manner was perceptibly constrained. He advanced to meet me, at first, in Chinese fashion, inclining the body forward, and holding his hands closed and clasped in front, at the same time moving them up and down as if shaking hands. I offered him, in western fashion, the opened right hand, which he then clasped in both his palms and shook right heartily. *This fact* demonstrated to me that the manner of my reception had been matter of consultation between the viceroy and the taoutae of Shanghai, the latter being entirely conversant with the customary salutations of Europe and America. I was now invited to a seat, and was placed on *the left hand* of the viceroy, while the taoutae sat upon his right. Ashing stood at my back. Mr. Culbertson was on my left with his teacher. The gentlemen on either side arranged themselves around the room, the Chinese subordinates standing uncovered. I-liang had one interpreter *of Chinese dialects* standing at *his* back. Tea and other refreshments were now handed to the company; his excellency welcomed me to China. I said, in reply, that the President of the United States would be anxious to hear whether his Imperial Majesty continued in the enjoyment of good health. His excellency thanked me for the interest manifested for his sovereign, and assured me that the Emperor was well. I then expressed the hope that Heaven would guard the life of his Majesty for many years, to bless his great country with a beneficent administration of wise laws. I asked the viceroy how long *he* had held the position of governor-general of the Siang Kiang; to which he replied, that he had entered upon it in the end of May. I regretted he had not been viceroy sooner, that I might have made his personal acquaintance, and through him have succeeded in conveying at an earlier day, to his Imperial Majesty, a letter from the President of the United States, of which I was the bearer. He expressed his willingness to take charge of the communication from the President to which I referred, and said he would give it instant despatch to his Imperial Majesty. I then remarked, that having failed to see the imperial commissioner at Canton, or to meet a governor-general in these provinces, I addressed a letter to the prime minister at Pekin, which, I understood, had come to the possession of his excellency. I inquired whether a reply had been received to that communication, and desired to be informed, before I delivered the President's letter, what had been done with the letter to the prime minister. The viceroy said he had sent that letter to the imperial commissioner at Canton, and that I would receive the reply through that officer.

pressed my discontent at this proceeding, and claimed the right
municate with the prime minister at Pekin, without a require-
hat my notes should be sent through the imperial commissioner
ton. His excellency said that there was not *one* prime minister
in having the title to which my letter was addressed, but *there*
having that title; besides, that *he* did not, at the time he re-
the letter, understand the terms of the treaty between China and
ited States. He presumed it was his duty to send it to the com-
ner at Canton; but he had, from abundant caution, also addressed
orial direct to Pekin, informing the "council of presidents" of
ival, and of his having sent my letter to the imperial commis-
at Canton. He added, that the letter from the President of the
l States to the Emperor of China should be sent by a special
nger to Pekin with all despatch, as he now understood it to be his
duty, under the treaty, to forward it to its address. I recurred
other letter, and asked if he could inform me when I might ex-
reply to that communication through the imperial commissioner
ton. He said that it was impossible for him to give the desired
nation; he had performed what at that time he considered his
with regard to that letter, and it now remained for him to perform
y with regard to the President's letter. I seemed to hesitate,
id that I must have a guaranty that a proper acknowledgment
would be made, and I should like to hear how long I would prob-
e compelled to wait. The viceroy then said, very solemnly, that
uld guaranty, if delivered to him, that the President's letter
go without unnecessary delay direct to his Imperial Majesty,
at it should be acknowledged in becoming terms. He thought
ply could be received in forty days. It would require sixteen
o reach Pekin, and sixteen to return, by the circuitous route at
t travelled from this province to the capital. I then remarked
would deliver the President's letter to him under these assu-
; but still I conceived that an explanation might be proper, to
why I had not gone direct to Pekin to deliver the letter in person,
led to the precedents furnished in the cases of all my predeces-
nd to the public impression among the representatives of foreign
s, that the Emperor desired to conduct the foreign affairs of China
extreme southern provincial city. I remarked that the United
, standing on the platform of entire equality with the Emperor,
not press their representative upon the court if he were to be
come, and therefore I declined to go to Pekin until his Majesty's
re on that point shall be known; that I hoped yet to know, by a
to my letter to the prime minister, what disposition was really
tined by the Emperor. His excellency replied that he could not
give me any assurance as to the preference of his Majesty, but
memorialize to know the imperial will. I then said that a resi-
at Pekin would not be most pleasant to the foreign minister, but
be best for China; that Shanghai, with liberty to communicate
with his excellency, and through him to the court at Pekin, would
st pleasant to me, though not so good for the empire. The vice-
id he would memorialize clearly on these subjects, and his Ma-

jesty would decide. The letter of the President accrediting me as Commissioner was then delivered to I-liang to be transmitted to Pekin, and he accepted the same with evident satisfaction. Very shortly after he had received the President's letter, the viceroy invited me to partake of refreshments in a large hall to which we repaired.

Before taking our places at table his excellency remarked, that now we had concluded the particular business of the day, and had passed the formality of a personal introduction, he thought we should be more comfortable if we changed our heavy uniforms for lighter habits, and asked me to take a light robe instead of a dress coat. I had anticipated this proposition, and was prepared with apparel of my own. We retired for a few moments to different apartments, and exchanged our state dresses for light summer wear—his excellency wearing a splendidly figured white-crape robe of the lightest and finest texture.

At the table I was seated on the left of his excellency, (that being with the Chinese the post of honor,) and the conversation was for some time confined to such inquiries as our ages, and my voyage to China, &c., &c. And then his excellency delicately alluded to the disturbed condition of China, offering that as an apology for what he was pleased to say was a failure to receive me on a scale equal to his own desire, and proportioned to my high rank.

I begged to assure him of the great gratification I experienced from the cordial welcome that had been extended to me, and especially for the kind consideration of my convenience which had induced him to leave the theatre of his official duties and to come so far to receive me. Then I remarked that I had learned, with profound regret, that China is afflicted with civil war, and that Nankin is held by the rebel forces; but I trusted to the good sense of her rulers and to the patriotism of the people to restore China to peace and prosperity. I asked, "How large a force now holds Nankin? His excellency replied, that there were "many tens of thousands" in force at Nankin and Chinkiangfoo, and that their presence imposed *on him* the most onerous duties; that the city of Nankin was his own proper official residence, and he regretted not to see me there on account of the rebels. I said that I hoped to have the pleasure yet of seeing him peaceably enjoying at his capital the honors due to his exalted station and services to the empire. I expressed my pleasure at the appearance of the country through which I had passed, at the friendly demeanor of the people, and my astonishment at the quiet which seemed to prevail in the country so near to the revolutionary forces I asked how far we were from the far-famed city of Suchow, which had been termed "the Paris of China." The viceroy informed me that we were about twenty miles from it in a direct line, but about ninety le by water. The taoutae of Shanghai asked if I felt any desire to visit Suchow. I expressed the gratification I should feel to see Suchow under favorable auspices. The viceroy said that, at present, he was generally at Changchow, but so constantly engaged with the army and the administration of civil affairs that he should be unable to receive me at Suchow; but so soon as tranquillity shall be restored, he would be happy to see me at Suchow. I directed the interpreter to thank him for his polite invitation, and to say that I now accepted it, and would honor myself by paying

a visit to him at Suchow, as proposed, so soon as tranquillity should be restored to the country. I then remarked that if I resided at Shanghai, and could improve my acquaintance with him by seeing him at Suchow or Nankin, and occasionally at my residence, I thought my public duties, besides being rendered pleasant, might serve to efface prejudices which were unfortunate, and which retarded that intimate friendly intercourse which ought to exist between the United States and China. The taoutae interposed with a remark that he could see no occasion for my going to Canton to live; that Shanghai was a much better place, and the people were very friendly, and if I lived at Shanghai there would be many pleasant excursions I could make into the interior; that *he* would go with me to Suchow when peace was restored. The gentlemen were evidently apprehensive that I meant to go to Suchow *at present*, and were also apparently anxious that I should postpone my visit. I considered it more just to the known duties pressing on the viceroy, and to the dignity of my own position, to postpone my visit to a time to accord with the suggestion of his excellency. In due time, during the entertainment, I proposed the health of the Emperor, and again, "the prosperity of China," which were courteously received with expressions of gratification. After discussing the entertainment, and partaking of tea, a stroll in the large garden attached to the temple was proposed; but the attachés alone passed into the garden. The viceroy, the taoutae, and I, resumed our seats. The conversation was turned again to the matter of the rebellion, and I think that great anxiety sat on the countenance of the aged viceroy. Among other things, he desired to know if I would permit him to consult with me occasionally on points of interest to China. I said it would afford me infinite pleasure to serve his country and himself whenever I could do so with propriety. I took the liberty to repeat, that the Emperor could not long maintain the policy heretofore pursued, and that he would appeal strongly to western nations by reversing his policy at once, liberalizing the regulations of commerce, giving absolute freedom of conscience, and opening his country at large to foreigners. I said that I understood all these points to be promised by the rebels at Nankin as the first fruits of their success. The viceroy said he could not say all he desired, lest his conversation might be overheard and reported. It was arranged that we should write directly to each other as occasion seemed to require; he sending his letters to me under seal through the taoutae, and I my communications through the same channel or by my own messenger. He further positively promised to press the proposition that I should correspond with the ministry at Pekin, through his excellency, whenever I desired to do so; and if I resided at Shanghai, that I should have access to whatever provincial capital he resided at. The opinion was expressed that this would be agreed to by his Majesty.

I venture to express the hope that the President will see in the results of this visit enough to justify my remaining at Shanghai:

1. The flag of the United States, under my guidance, is the first that has ever gone independently, yet amicably, into the interior of China.

2. A practical interpretation has been given to the treaty, by which

the right of the United States to communicate with the Emperor of China through the viceroy at Nankin is conceded.

3. The people of the interior have seen citizens of the United States in national costume for the first time, and now know that we can meet and part as friends.

The simplicity and the timidity of some of the country people may be imagined when I inform you that a crowd of women and children, who were gazing at me, saw my servant hand me a bunch of cigars, and they took to their heels as if I was about to open a battery upon them. They thought the cigars were implements of war. I was careful to collect them again to assure them of their safety, and to smoke the pipe of peace with the men of the vicinity. I was very particular to land frequently on my voyage, and to communicate with the people whenever I could do so, to assure them that the flag they now saw belonged to a great power and a good friend of the Chinese. We returned to Shanghai after midnight on the 5th of July, without having met with any incident to mar the pleasure of the excursion.

The country between Shanghai and Knoonsan is a vast plain, cultivated as carefully as a garden. It has already produced one crop this year, and now is maturing the second. In the late autumn the lands are set in wheat, barley, millet, and in the spring in vegetables. The harvest is reaped about the first of June, and then the lands again produce a crop of cotton, rice, or teenching*, and the vegetables for winter use. I saw thousands of acres in cotton, rice, and teenching. Indeed, I may say the whole face of the country was covered with promising crops of these staples. I am trying to learn the probable annual return of these crops to China, but do not know that I can succeed. I think there is a very strong probability that the cotton crop in China is greater than that of the United States, although not yet equal to the consumption of her vast population. It is certain that the sheetings and drills of American looms have found ready sales in China, and a growing market; but their introduction into the far interior is impossible, unless we can prevent the continual transit duties which are imposed upon their passage from one point to another of this empire. This is difficult to effect while foreign commerce is confined to the ports on the seaboard. I am not informed that any different duty is imposed on foreign manufactures from that levied on Chinese productions passing the same points; but, of course, continual duties so enhance the price that, at a certain distance from the point of importation, the consumer must find his interest in the use of a domestic article, and so a limit is fixed to the extent of the market for the foreign article. The remedy for this state of things must be found in a specific modification of the treaty. I have, of course, bestowed much attention upon this country, so far as a knowledge of it is to be derived from books, yet I feel sorely my want of real and reliable information as to its resources. I suggested a desire to the viceroy to travel through the interior to Canton at some future time. I had studied the general features of the country, so

* Teenching is a species of small cabbage, from the leaves of which a blue dye is produced when steeped in water. It is the indigo of China. Lime is added to the water. (See Fortune's "Wanderings in China," chap. 16, p. 307.)

hat I could indicate the route I wished to pursue. Starting from Shanghai, and following the Yangtsze Kiang to Kin Kiang, thence passing through the Poyang lake, the river Kan can be ascended to the town of Nanngan; thence it is twenty-four miles over the Meiling mountains to Nanhuing, which is a considerable town at the head of navigation of the Peh Kiang, (North river,) which flows towards Canton, and which, joining the Yuh Kiang (West river) a few miles above that city, forms the Choo Kiang, (Pearl river.) Thus the voyage may be made inland hence to Canton, with only twenty-four miles of overland carriage; and I regard it as very desirable, in a political point of view, that the Commissioner of the United States should become personally acquainted with it. His excellency, of course, was not called upon to say at present whether the proposed adventure would be agreeable to the public authorities, or otherwise. The route suggested is one of the great interior routes of commerce through which Canton formerly drew the trade from the great basin north of the Meiling range. When Shanghai was opened to foreign commerce, the teas of the western slope of the Meiling range of mountains came by water to this port. Were steam introduced upon the Yangtsze and its affluents, I have no doubt that Shanghai would instantly appear the natural port for eight of the richest provinces of the empire, in which are abundantly produced cotton, hemp, teenching, rice, all the cereals, tobacco, flax, teas, silks, and which contain valuable mines of gold, silver, cinnabar, copper, lead, coal, mica, and several varieties of marble. The city of Shanghai has the deepest interest in opening the Yangtsze to foreign trade; nor would her rising grandeur necessarily destroy Canton, for the Peh Kiang, the Yuh, and the Tung, (which empty into the Choo Kiang at Whampoa,) offer to Canton an area of about 150,000 square miles, fertile and very densely populated, from which to support a great commerce; and with this large area Shanghai has no natural connexion whatever.

This despatch is already of such length that I forbear entering upon this great subject at present. To avail myself of whatever opportunities may present themselves to travel into the interior of China, two things are necessary—first, the approbation of the President; second, the means, for I should not be able to go far on the contingent fund now set apart for this mission. The interests of the United States can best be promoted by activity in learning China—her geography, channels of trade, productions of sections, both as to staple and amount; and these cannot be learned without a command of means.

The rebellion continues the work of destruction, but has not commenced that of reconstruction. The report is that Kiangsi has been overrun by some large force of rebels, and that bands of marauders are depredating on private property to so great an extent that planters of tea have abandoned their crops to a considerable degree.

The people of this neighborhood are growing discontented. During my absence the populace collected to the number of 10,000, and sacked several of the houses of the local authorities, and burned one entirely.

How far this movement may be continued, time only can prove; but as it is said to originate in discontent at the taxes, and in a determination not to pay them until the question of empire is arranged, the

probability is that we shall have no permanent quiet until we have more serious work in this settlement. There is no ship of the United States on the coast of China. I send you a copy of a letter I received a few days since from citizens of the United States at Fuhchowfoo. The rebellion has extended inland from Amoy; another city in that quarter has fallen into the hands of the rebels. I append hereto a letter from the secretary and interpreter of this legation to me, enclosing several proclamations issued by the rebel chief at Amoy. I have written to Doctor Parker that if *his health does not require his return to the United States*, under the leave of absence granted to him by Mr. Everett, I shall require him to rejoin me at Shanghai, to resume his duties in the legation. He exhibits such enthusiasm for what he is pleased to call *the patriots of China*, as to make me apprehend that he may forget, in the sympathies of the missionary, the apathy necessary to a secretary of legation.

I have the honor to acknowledge the receipt of two copies of the convention between the United States and his Majesty the King of the Netherlands.

I am, sir, most respectfully, your very obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

P. S. I have later information, which I deem reliable, as to the movements of the rebel forces:

1. No movement from Nankin will be made on Shanghai at present, as the rebel chief will not involve his cause by coming into collision with foreign powers, and he fears something might be done by his followers, whom he cannot entirely command, that would lead to such a result.

2. The force which has been detached to the south goes to the provinces of Hupeh and Kiangsi to raise means to obtain supplies to open communication with the southern rebels, and to cut off the more western route than the canal between Pekin and Canton from the imperialists.

3. The rebel force will move up the Yangtsze, and, gaining the rolling country in the west of Honan and south of Shensi, will throw itself on the great highway leading from Pekin into the western provinces; and this fall two columns will move on Pekin—one by the canal, and the other by the great western causeway.

JULY 10. H. M.

No. 1.

SHANGHAI, *June* 29, 1853.

Humphrey Marshall, Commissioner of the United States of America, to the Ta Tsing Kwoon, &c., presents respectfully his compliments to his excellency I-liang, governor-general of the Siang Kiang, &c.:

The undersigned has the honor to request his excellency to name the *time and* place for an interview with the undersigned, in order that the

undersigned may deliver a letter which he bears from the President of the United States of America to his Imperial Majesty the Emperor of China, in accordance with article thirty-one of the treaty signed at Wanghya.

With the compliments of the season, &c., the undersigned remains, respectfully, &c.

HUMPHREY MARSHALL.

This is addressed—

His Excellency I-LIANG,
Governor-general, &c.

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No. 2.

I-liang, president of the board of war, chief of the censorate, governor-general of Kiangnan and Kiangsi, commissioner of grain, inspector of the marine, &c., makes this communication:

On the 25th of the 5th moon (July 1, 1850) your excellency's communication was received, relating to a despatch from the United States to China, to be presented to his Imperial Majesty the Emperor, and requesting that, by me, a time and place might be fixed on for an interview with your excellency.

Having now, on the 25th of the 5th moon, arrived myself at Kwanshaw, it seems right to promise your excellency, coming thither, a personal interview in the public hall on the 28th, (July 4th;) and the despatch to be transmitted from the President to the court of China can then be delivered at the interview, and by memorial forwarded to the Emperor.

For this purpose I make this communication, reciprocating compliments and wishing repose, &c.

May this communication reach him to whom it is addressed.

To his Excellency the Plenipotentiary MARSHALL,
Ambassador from the U. S. A. to China.

HIENFUNG, *3d year, 5th, moon, 25th day.*
(July 1, 1853.)

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No. 3.

FUHCHOW, *June* 15, 1853.

DEAR SIR: Your letter of the date 25th May, 1853, addressed to Mr. Maclay and myself, and containing instructions to the American citizens resident at Fuhchow respecting the course of conduct to be pursued by them in case of an emergency requiring "the abandonment of their property to save their own lives," reached this place yesterday. In the absence of Mr. Maclay, it devolved upon me to present your communication to those for whom it contained instructions; which I did at a called meeting of the same last evening.

At that meeting I was instructed to express to you, in their behalf, the sincere thanks of the American community here, for your prompt attention to our previous communication, and for having written to us so fully upon the subject of our present situation. We also acknowledge with sentiments of gratitude the interest and sympathy which your communication expressed in our behalf.

I am happy to state that your excellency's instructions have commended themselves to the approbation of the American citizens here; and should an emergency arise to justify such action, I am authorized to say that they will be strictly followed. It is matter of deep thankfulness on our part that we have thus far been permitted to remain quietly at our post. We have indications, however, that it may not continue as quiet as it has been much longer. Of the troubles in the vicinity of Amoy I suppose you are already informed. A far more serious insurrection is also in progress in the western part of this province; and we have reason to apprehend that the insurgents are advancing towards this city; inasmuch as the *headless* bodies of soldiers were seen yesterday floating down the river Min, not far from the location of some of our residences. Added to these sources of alarm and excitement among the people around us, we have here a general stagnation of business, accompanied with great scarcity of provisions.

With earnest wishes and prayers for your excellency's health and happiness, believe me, dear sir,

Yours, with great respect,

S. CUMMINGS,

Committee of American Com. at Fuhchow.

Hon. H. MARSHALL,

Commissioner of United States, Shanghai.

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No. 4.

CANTON, *June* 25, 1853.

DEAR SIR: I send you herewith several translations of proclamations issued by his excellency Hwang at Amoy. They are of interest in one point of view, if no other, viz: that they show conclusively that the *patriots* of that port acknowledge *Teentih* as Emperor of the Chinese Great *Ming Dynasty*.

I have several more, which I will forward as soon as translated, for your information. I will state that, contrary to my impression when at Shanghai, I now believe *Teentih* is still alive. I do not wish the circumstance mentioned, but I have a private joint letter with the seal and signature of *Teentih* and Tai-pin in my possession, the tenor of which is creditable to both. In the "China Mail," of yesterday, you will find a translation of mine of a document that has excited some interest at Canton; and from the Hong Kong papers you will find the principal news of interest from the south of China.

I remain, dear sir, very respectfully and truly, yours,

PETER PARKER.

His Excellency HUMPHREY MARSHALL, &c., &c.,

Shanghai.

[Proclamation No. 1 has been sent heretofore, appended to my despatch No. 17, and therefore is omitted here.

H. M.]

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[Proclamation No. 2.]

Hwang, generalissimo, great commander-in-chief of the military forces of the Chinese Great Ming Dynasty, issues this perspicuous proclamation:

Whereas I, the commander-in-chief, on arriving at Amoy, have heard that civil and military officers of Amoy have come hither to raise troops and purchase horses: Now I, the commander-in-chief, have made investigation and found such to be the case, and, as behooveth me, lose no time in issuing my proclamation. I make this proclamation that both the army and people may understand.

As to all civil and military officers and soldiers creating commotion at Amoy and at Lewlbooteen, enlisting persons for the army: any one being able to seize one of their great leaders shall receive a great reward, or a small leader, a small reward. If any conceal them, and do not report them, on being detected hereafter, they will be deemed alike guilty. I, the commander-in-chief, speak out the law, and absolutely there will be no indulgence. I issue this proclamation, and let each, as behooves him, tremblingly obey. Let there be no opposition.

Special edict.

Scale of Rewards.

For seizing his excellency, (the admiral,) and delivering him up, a reward of $1,000.

For a colonel and lieutenant colonel, $500.

For a captain and ensign, $300.

For a sergeant and corporal, $100.

From a head man downwards, $12.

TEENTIH, *50th year of the cycle, 4th month, and 21st day.*
(28th May, 1853.)

A faithful translation.

PETER PARKER.

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[Proclamation No. 3.]

Hwang, generalissimo, great commander-in-chief of the forces of the Chinese Great Ming Dynasty, issues the following proclamation:

Whereas I, the commander-in-chief, came to Amoy, it arose from you the people having suffered grievous evils, in ten thousand forms, from the officers and government of the Manchoo dynasty, I have therefore reverently received the command of the benevolent and righteous army to compassionate the people, punish the crimes of your former rulers, and to give to the inhabitants the enjoyment of tranquillity. Now, ye who reside in the shops and hongs of the suburbs of Amoy, being *in a state of perturbation*, do not open your shops. I apprehend, *you specially apprehend*, the righteous troops may ferment disturbances

and commit plunder, so that not one shop in ten has been opened, and the streets are deserted and silent.

As behooveth me, I instantly issue my proclamation, that the people of the shops and hongs may fully understand, that from and after the issuing of this notice, as is right, each of you must still, as of old, open your markets and carry on your trade. If hereafter any of the righteous troops presume in the least to covet, and the local swindlers of different places dare enter your doors and remove things under false pretexts, it is permitted you to repair to my flag-ship and petition me clearly, when they shall be instantly arrested, and punished according to the utmost rigor of the law. I, the commander-in-chief, institute laws stable as the mountains, and absolutely will not eat my words. Fear you not; tremble at this, and give heed. Let there be no opposition.

Special edict.

TEENTIH, *50th year of the cycle, 4th month, 25th day.*
(1st June, 1853.)

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[Proclamation No. 4.]

Hwang, &c., &c., &c., issues the following proclamation:

Venerable fathers, you have been long afflicted by the vexatious and oppressive laws of the Tsing (Manchoo) dynasty. The officers are covetous, the administration foul; the government, altogether, flows on with the fierceness of a tiger—exhausting the marrow, and putting an end to the fat.

To the people, alas! they are as huge rats, causing the mountains to fall and the sea to overflow; the year to be one of drought, and a season of famine. Robbers and pirates swarm like bees, and the black-haired people are like the fish whose fins are red from toil.

Teentih, the Emperor of our Great Ming Dynasty, imitates Heaven, and does benevolent deeds; saves the people, and punishes the cruelties of your former rulers, and his troops, denominated the army of the *great conformer*, (to Heaven,) apply the *axe* (literally, the hoe) to all those who rebel against it, (viz., the covetous officers, &c., above described,) who, on the arrival of our army, fall prostrate at the sight of them as the grass bending before the wind. I, the commander-in-chief, have recently received the imperial will to subjugate Amoy, obedient to Heaven and conformably to the hearts of men; the officers of this place having injured the people, they feel no obligation to the old régime; some in a civil capacity, who have followed their army, have put off their armor and laid down their weapons; and the army itself has no disposition to fight, for their root is certainly eradicated, and that from which they came is become old. You, ye admiral and others, who covet life and fear death, and have covered your heads like rats in a hole—to spare your life, and those who are so bold as irregularly to listen to traitorous and seditious persons, and are taken away with the residency, will be fortunate if *one* in ten thousand escape; know *ye not the* Tsing dynasty, that it is Heaven's heart to exterminate it; *and that* it certainly cannot be restored? Therefore, put off your arms

ground your weapons; the fingers of those in boat can be taken up
ıe two hands. You not only do not consider that I, the commander-
ıief, rain troops in number like the drops of the rain, and will wash
y at once the Tsing dynasty like the flame of a conflagration. Oh,
eople, how is it ye do not understand the felicitous omens, but
presume to cherish two minds, and in doing so what will it profit?
ow, if these bees sting you, bear their great poison; but a tiger's
eness expresses my vast majesty and pomp, or rather it is that
ch may be said to be Heaven-derived, and not human strength.
pecial edict. TEENTIH.

)th year of the cycle, 4th month, and 26th day.
(June 2, 1853.)

hasty and imperfect translation. P. P.

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nfidential.] SHANGHAI, CHINA,
July 10, 1853.

IR: I address this note under the title of "*a confidential letter*," be-
se I shall write of other countries and their public men sometimes
style which might prove very disagreeable to them if the matter
ıld appear in print. Of course, my view of public policy I have
lesire to conceal from the proper authorities of the United States;
it may be best, ultimately, and most convenient, that these de-
tches should be divided under different heads. You will have
uced my general view of the character of the existing government
China, as well as of the rebellion, from my ordinary despatches.
ey may be compressed into a few sentences:

The imperial government is impotent, ignorant, conceited; all its
isterial and subordinate officers are superlatively corrupt. The
els have no idea of the true functions of government. They struggle
ely for *power*, and were they to succeed in acquiring it, would neither
nge the substantial exercise of power as it is now wielded, nor essen-
ly the forms or etiquette and ceremony now practiced at court.
leading chief of the rebels is already *invisible;* the chiefs are gen-
ly men of low degree, and the mass is ready for the worst excesses.
ey are superior to the imperialists in energy and courage, but both
ies are only burlesques on the military.

The people of China are indifferent as to the success or defeat of
er faction, and may be regarded as so far paralyzed, by the long
potism under which they have lived, as to be insensible to popular
its, and incapable of declaring or maintaining them. The only
stion for them is, "who will be our masters?"

Terrified by the progress of the rebellion, and constantly warned by
eats of the insufficiency of his generals, as well as of their menda-
, the Emperor of China looked abroad for assistance. Clinging
n conceit or from ignorance to his pretended superiority, he thought
would be sufficient to ask aid or to offer to *hire* aid, for the western
ons to enter upon the task with alacrity of suppressing the rebel-
, and *neither his Majesty* nor his cabinet saw anything amiss in

the style of the application. You have already among my despatches my reply to that application. It substantially waived the question until his Imperial Majesty should propound it by his express authority, in due and proper form, that it might be *considered* without derogation from the dignity of the United States.

The British minister, I have reason to believe, addressed the court at Pekin, but the nature of his communication has not transpired.

Report declares that the Czar of Russia has promised to render the assistance requested. Some suppose that this implies his marching troops from St. Petersburg, or at least from Siberia, but not so. Russia maintains a considerable body of troops along the border between the Russian and Chinese empires, who could be thrown into China with great ease. A Russian fleet, now at Hong Kong, watches the Japan expedition of the United States, and may be put into action, without difficulty, in behalf of the Emperor.

The Emperor has no navy. A few miserable schooners, purchased at this port since my arrival, and manned by English and American deserters from merchant ships, together with some sixteen lorchas manned by Portuguese desperadoes, constitute his naval force.

Russia already enjoys, substantially, a monopoly of Chinese western trade through the passes; Kiachta in the northwest, and Muzdaban on the west. Her assistance would probably end in passing China under a Russian protectorate, and in the extension of Russian limits to the Hoangho, or the mouth of Yangtsze; or, it may be, when circumstances and policy shall favor the scheme, in the partition of China between Great Britain and Russia. The interference of the Czar would readily suppress the rebellion, by driving the rebels from the great highways of commerce, and from the occupation of the towns on the seaboard. Whatever might be the ultimate compensation demanded by Russia for this timely service, China could not resist its collection; and Russia might avail herself of the conjuncture to add Chinese territory *ad libitum* to her already enormous geographical boundaries, and by commanding the Hoangho, the Sagalien, and the Yangtsze, acquire a power on the Pacific which would not only nullify the projects of the United States for the future, but materially annoy us in the present, by disturbing the fisheries, which are now opening their treasures to our hardy mariners in the North Pacific. I think, then, that almost any sacrifice should be made by the United States to keep Russia from spreading her Pacific boundary, and to avoid her coming directly to an interference in Chinese domestic affairs; for China is like a lamb before the shearers, as easy a conquest as were the provinces of India. Whenever the avarice or the ambition of Russia or Great Britain shall tempt them to make the prizes, the fate of Asia will be sealed, and the future Chinese relations of the United States of America may be considered as closed for ages, unless *now* the United States shall foil the untoward result by adopting a sound policy. It is my opinion that the hightest interests of the United States are involved in sustaining China—maintaining order here, and gradually engrafting on this worn-out stock the healthy principles which give life and health to governments, rather than to see China become the theatre of a widespread anarchy, and ultimately the prey of European ambition.

An interference by the United States to quiet and tranquilize China ould be a mission of humanity and charity. It would be essentially work of peace, unlike the ruthless conquest of India, made upon the rdid calculations of a cruel avarice; or the late subjugation of Pegu, r means of which the British crown has completed its mastery over l the natural outlets for the produce of southwestern Asia, and has ommenced in every part that debasement of the people to a condition r worse than that of the African slave, which in other parts she has fectually accomplished already. An interference by the United States Chinese affairs would have no object but to preserve the nationality of hina; to revivify her, to elevate her people, and to stimulate them to in augmented happiness by a proper and peaceful, but scientific, emloyment of their natural energies. There are conditions which I ould make precedent to any interference, however, and these will be ow exhibited.

When the Emperor of China shall proclaim an amnesty for past potical offences to all the rebels who shall at once return to their homes nd avocations; freedom of religious opinion, and religious worship roughout the realm; freedom to citizens of nations having treaties of mity and commerce with China to pass and repass through his dominions at will, without distinction of place; when the Emperor shall nstall a department of foreign affairs, which can meet the ambassadors f foreign countries; when, in fine, the Emperor shall open the Yangsze and its affluents to steam navigation, and shall devise some just mode of regulating the same by registry or license; and, finally, when *he shall become a subscriber to the laws of nations*—then, and not till then, would I suggest any interference whatever.

You will be pleased to bear in mind that this basis presupposes the voluntary creation of rights to the citizens of the United States in China, by the supposed proclamations and treaty stipulations, which would justify the interference of the United States to protect those rights whenever they shall be assailed. It guards and preserves that well-known policy of neutrality in the disputes of other countries, which thus far has been the guide of the national councils of the United States. It would only be intervention in vindication of the rights of the American citizen—an intervention promised in the President's inaugural address—wherever the citizen might of right be when the power is invoked.

There is everything in the conditions to elevate China, and to render the imperial throne an object of interest to every enlightened nation in Christendom. There is nothing which detracts from the strength of the throne, or renders it less likely than now to attract the affections of its subjects. There is much which would disarm the pseudo sympathy which gathers around the banners of the rebellion, because *enthusiasm* for Christianity persuades itself that they bear forward the cause of Christ.

The rebel chief himself would be compelled to yield to such "a platform," or be overwhelmed by offering resistance to it; for when commerce, licensed by the imperial authority and paying into the imperial treasury the taxes drawn from its prosecution, shall cover the Yangtsze, western *nations will* not permit a rebel chief to interfere with its

successful pursuit. Under the sanction of this government, they will clear the way with their own guns. On the other hand, the submission of the rebel chief to the prosecution of ordinary commerce upon the Yangtsze, under the license of the Emperor at Pekin, must directly deprive *his* government of even the shadow of power, and his rebellion will fade away as a dream, or transfer its theatre to some more secluded section of the empire, where it can produce no uneasiness to the throne. The effect and consequence of the adoption of this basis would be beneficial to China, because the introduction of steam on the Yangtsze would stimulate commerce, by making time an element to be considered in its pursuit, by enlarging the area of profitable production, as it would furnish expeditious means of bringing the results of industry to a general market, and give diversification to the pursuits of industry, because the hills would be made to discover their mineral wealth, and thousands would gain an easy livelihood by mining, who now obtain in other callings a beggarly and precarious subsistence. Navigation, naval architecture, the principles of natural philosophy, the properties of steam, and the laws for its safe application to practical purposes—in a word, all the sciences would be very soon acquired by this highly imitative people. Civilization, returning to Asia after making the circuit of the globe, will pour the acquisitions of centuries back again into the lap of that ancient mother who guarded her earliest infancy; and China will rapidly come forward in the knowledge of all the improvements of modern science, now unknown to her people. The application of steam to navigation would be made under American auspices, for the proper constructions to navigate the interior rivers of China would be the same as those built on the western waters of the United States—constructions of which the English or the Russian in fact know nothing. Besides, the science of naval construction is not so advanced in England as in the United States, as our models in this port daily and satisfactorily prove. This would give a great advantage to our countrymen in China, and their enterprise would pioneer the way to the development of a thousand profitable employments in the interior, of which at present I can furnish no specifications. Suffice it to say, that the valley of the Yangtsze may be estimated to contain an area of 750,000 square miles, and is belted by mountains abounding in rich and valuable minerals. With steam applied to navigation on the Yangtsze and its affluents, you may imagine the future of Shanghai, into whose lap this entire commerce will be poured, and which is the natural because the nearest point of connexion with the western terminus of a Pacific railway through the United States. The Chinese know *nothing* of navigation—nothing of the properties of steam. With a knowledge of these would rise a Chinese navy at least of sufficient force to guard the coast, and enforce the revenue laws of the empire against the wholesale system of smuggling that is now carried on, both under the English *and American flags*, almost in view of Chinese ports, and which in my opinion amounts to a gross and abominable violation of our treaties (in their spirit) with this government. The excuse under which this smuggling is committed is, that "it belongs to China to enforce *her own* revenue laws;" our navy "will not be converted into a police force *for China.*" Our people (indeed, most of the merchants here as well as

t Canton) arm vessels heavily, and bid defiance to the imperial government, while they lie in the mouths of the great rivers laden to the rater's edge with *cargoes of opium*, which they sell on every opportunity to Chinese traders. The revenue officers, unable or unwilling to nforce the confiscation of these cargoes, compound for a portion of the rofits, and actually use the custom-house boats to deliver the opium-hests to purchasers, at a given sum per chest as freight! The merhant sells the article, and delivers it over the side of his vessel *to the Chinese revenue officer, who smuggles it into the country!* The opium staions are as well known here as the navy-yards are in the United States; and United States vessels of war have been alongside of American opium-smugglers, until the Chinese would not make a wide mistake if they supposed the American flag *protected them* quite as much as the legitimate trader. I have more than once warned these people against the use of the flag of the United States to cover these cargoes, but I am answered by the arguments specified above. I have said, if the Chinese officers would take out a warrant to confiscate the cargo of opium clandestinely offered on the Chinese coast under the flag of the United States, I would enforce obedience to the writ through the naval power of the United States, if I could command the arm (which *now* I do not believe I could.) Now, if China had a navy, this matter would cease; for the government could then enforce its revenue laws, and England would have to raise her £2,500,000 of revenue from Bengal opium from some other source than China. The importation of this article into China from India last year amounted to more than $30,000,000, every particle of which was smuggled in the manner which I have described. It forms a principal medium of exchange. It pays for teas and silks which go into the British market, and in their turn yield £5,000,000 to £6,000,000 sterling to the revenues of the United Kingdom. The transportation of this article maintains the extension of the peninsular and oriental line of British steamers between Bombay and Calcutta, and Canton and Shanghai. If China could put a stop to the importation of British opium into her ports, the revenues of Great Britain would be sensibly affected by the result, and her superiority in the commerce of the East would very soon vanish. It is through this instrumentality she establishes that profitable circle of trade which has its rests at London, Calcutta, Bombay, and Canton, employing British bottoms, British sailors, British merchants, manufacturers and planters; and, in turn, draining China of the precious metals, *and taxing the people of the United States in every pound of tea or silk they take from China.* If London is the banker of the United States for their China trade, it is only because Manchester furnishes India with goods, and India furnishes China with opium; so that the merchant from the United States, obtaining a credit in London, transfers it to China most probably in opium, which he trades for tea; and the exchange commissions, freights, storage, and all incidental charges, pass into the price of the tea paid by the consumer in the United States. This matter should be sternly regarded by the public authorities of the United States, for opium is a most material element to the success of a British line of steamers to Asia, and therefore a power operating against the successful establishment of a Pacific line of steamers from the western coast of America;

since the line of mercantile exchanges, postal communications, and passengers, will follow the general direction of commercial traffic.

Before I return from this digression, let me make it a little wider by another remark or two on another point. An impression seems to prevail that California has a very deep interest in the communications with China. This is erroneous, for she will probably have less interest in it, when it shall be opened, than Mississippi or Arkansas, certainly less than New York or Massachusetts. This opinion of mine rests upon a few plain laws:

1. No man will send his money to the market where it will be of the *least* value.

2. Commerce subsists on diversity of productions, seeking exchange in order to supply human wants. Supposing the *time to market* to be the same to China as to New York or Liverpool or Havre, the Californian will always go to the latter for his supplies, because they will pay more for his money (which is his article of exchange) than he can receive in China. There his gold is at the par of the silver dollar; here it is invariably at 10 to 15 per cent. discount below the par of the silver dollar; because the Chinese do not use gold as a circulating medium, and are too frugal and simple a people to demand much of it in the arts. Exchange is at sixty here at present only because silver has been hoarded by timid capitalists, and there is no such thing scarcely as obtaining a silver dollar, which alone the Chinese trader will accept. California produces no staple commodity that China wants, and she will want nothing that China produces which she may not obtain more profitably elsewhere, (except tea;) and California promises, like France, to be a wine producer rather than a tea consumer. Some of her people will make large profits from a forwarding and commission business—a factorage for the interior States of the Union, when communication by rail shall be opened with the shores of the Pacific, and steam shall traverse this ocean to bear away the rich products of Asia; but California, as a State, must always, in my humble opinion, have a very minute interest beyond her own limited consumption in the China trade, unless the laws of commerce, exchanges, and circulation, are subjected to an entire revolution. I do not regard her as possessing nearly so great an interest in the subject as Oregon, though she may offer the best line for the transit of a railway.

The idea suggested by the late Secretary of the Navy, that the United States would find profit by substituting the use of tobacco for opium in China, was founded also on a very limited acquaintance with the productions of China. If there is a people on earth more addicted than any other to the tobacco-pipe, the Chinese are that people. Almost every man you meet carries his pipe and tobacco-pouch. Tobacco is now one of the principal staple productions of central China, and she is a very large exporter of that article to California, to Singapore, to the entire southeastern archipelago. If our statesmen operate on such calculations as that referred to, the results must prove disastrous, unless other elements, now unforeseen, arrive to prevent great loss.

To return to the main subject: the tranquilizing of China is an object of deep interest to the United States, because,

1. It preserves her nationality, and that future which, under a liber-

ralization of trade offers such a broad theatre for American enterprise, and promises such a vast area for American commerce. If her nationality shall be lost, other powers will bear away the prize of that commerce.

2. Close the existing avenues of trade, and human intelligence cannot foresee where, how, or under what new force, it may take anew its direction. Great Britain wants it to pass to India through a western inland port, for the opening of which her statesmen have repeatedly applied unsuccessfully to China. Keying, one of the most enlightened among the Chinese, saw the effect of this proposition in the condition of the principalities of India, and uniformly resisted the grant.

3. Keep open the trade from Shanghai, and China will compete successfully with Great Britain and France for the supply of the American market with silk piece goods, and she will take in return American cottons, drills, and sheetings, until the Manchester brands will not be known in this part of Asia. The southern planting States must find their interest in China through this medium. The valley of the Mississippi and the valley of Yangtsze have such various products as to sustain a profitable commerce with each other, both in raw staples and in manufactures.

4. Tranquilize China and elevate her condition, to the end that Russia and Great Britain shall not make partition of her noble domain; and that the former may not disturb the valuable fisheries which, in the North Pacific, will reward American enterprise and develop the resources of Oregon and Washington.

I believe that had I been, in April last, authorized to offer some such plan as I have marked out, and had been assured of the assistance of the naval force of the United States in these seas, on the contingency stated in the first part of this letter, (the protection of American commerce as regulated under a grant from his Majesty,) the result might have been attained. I deem it yet attainable, and that a vast American interest may thus be cherished into life and prosperous action in China, to grow and flourish with signal benefits to both countries.

Aware of the settled cardinal policy which has ever ruled our public councils—of preserving absolute neutrality in the contests of other nations—I have deemed it my duty not only sedulously and carefully to abstain from act or suggestion in contravention of it on my own part, but with every energy of which I am master to impress it on the citizens of the United States in China. I shall continue to pursue the same course unless otherwise advised by you. But I have considered myself as authorized, under the confidence which exists in our relations at present, to develop my thoughts upon this subject to the President, as I verily believe he cannot draw such glory to his administration from any other source of subject as from the policy to China which I have herein indicated.

Yours, very respectfully,

HUMPHREY MARSHALL.

Hon. Wm. L. Marcy, *Secretary of State, Washington.*

[Official—No. 23.] LEGATION OF THE U. S. A., SHANGHAI, *July* 26, 1853.

SIR: I enclose herewith a system of municipal regulations for the government of foreign residents in Shanghai, which have been submitted by her Britannic Majesty's consul to the vice-consul of the United States at this port for his approbation; and also two letters of the former relating to the said regulations.

My object, in thus anticipating the proper period to present this subject, is to obtain the views of the President, if possible, to guide my action when the matter shall become a topic for discussion between the imperial commissioner of China, the British and French plenipotentiaries, and myself, which will occur quite as early as I can receive your reply. It is extremely probable that this subject, in a general aspect, has been submitted already to the Foreign Office in London; and therefore I do not anticipate any essential modification of the regulations as now presented, from the discussion thereof by the local authority here and the consuls of England and the United States.

The consul of Great Britain, as you will see by passages of his second letter, which *I have underscored*, is guided by instructions from his government, at least as to the principles on which this settlement may be consummated. In present as well as in the remote consequences, this is an important affair to the citizens of the United States residing in China. It may be considered also as matter of importance to *the government*, as connected with the future relations of Shanghai and the western terminus of a Pacific railroad; *for I have no kind of doubt that Shanghai is destined to become the greatest city of eastern Asia, and most intimately of all connected with America.* These regulations will have a direct effect upon her future fortunes.

After the treaty of Nankin was ratified, (August, 1842,) it seems a memorial was presented to the Emperor; in reply to which, he directed the local authority at Shanghai to consult with the consuls, and to allow "merchants and others *of all nations* to bring their families to the five ports, and to reside there," in accordance with the treaty stipulations; for the Emperor always regarded his treaty with Great Britain as inuring to the benefit of all nations, and was not induced to that liberality by the advice of Sir Henry Pottinger, as has been sometimes alleged. Under this direction from the Emperor, the intendant of this circuit entered into an arrangement with Mr. Balfour, the British consul, whereby a large tract of ground outside of the city walls, between the Yang King Pang and Lekea Chang, (two creeks,) were set apart for settlement. In the language of the intendant's proclamation, it was arranged "that the ground north of the Yang King Pang and south of the Lekea Chang should be rented *to English merchants* for erecting their buildings and residing upon." The authority from the Emperor, as you will see, was to grant for the use of all nations; but the action of the intendant confined it to the *use of English merchants.* However, before any proclamation was made by the intendant and Captain Balfour, (which bears date in November, 1845,) Mr. Cushing had secured the treaty of Wanghya, whereby the citizens of the United States acquired a common right to reside and trade at Shanghai, and there to rent and

hold real estate, (17th article.) In November, 1845, the intendant and the British consul issued a proclamation, and certain land regulations applicable to the district between the creeks aforesaid, of which I send you herewith a printed copy which I have secured. By reference to the 14th and 21st regulations you will perceive that this ground was considered as *dedicated* for *an English settlement or quarter*, and was to be held as a district within which none but a British subject could settle except by consent of her Majesty's consul, and within which the British subject was to have the right of pre-emption. It happened that this concession included more land than her Majesty's subjects could occupy within any reasonable time, and almost all that is very convenient for trade. The most convenient anchorage fronts this concession.

Mr. Woolcot was the only American citizen at Shanghai at the time these things were done. He lived inside of this concession, and happened to be appointed to act as consul for the United States. When he raised the American flag the British authorities interfered, and denied the right to fly the consular flag of any other nation inside of the *British settlement*, and Mr. Woolcot pulled down the American flag. Mr. J. Alsop Griswold was shortly afterwards appointed consul for the United States, and came to Shanghai to reside. He raised the flag in front of his consulate, and inside of *the concession* to the English merchants, as it was called. The British consul again interposed, but Mr. Griswold determined to float the national ensign in front of the consulate of the United States. This act was duly noted by the British consul. The French consul then acquired another *concession* of land, which took the ground from the city wall to the Yang King Pang, (between the British concession and the city walls.) The American consul protested against this concession, which was at the time duly noted; and then the right of the local authorities and consuls to dedicate land in this way, in advance of the wants of the people of different nations, so as to create pre-emptive rights in the subjects of certain powers to the exclusion of others, and in abridgment of the right of American citizens to agree upon terms of sale or leasing with the Chinese landholders, arose and became matter for discussion between the imperial commissioner, Sen, and my predecessor, Mr. Davis, of Indiana. The honorable commissioner at first, like a fair jurist, discountenanced the right to make any such concession by the local authority of this circuit; but, as the discussion proceeded, his views were tempered by notions of expediency; and as the American Commissioner remained unmoved, Sen at length intimated that he saw no good reason to repudiate the condition in which affairs had been placed by grants to the English and French, and hoped the Americans would be content to have a distinct quarter set apart for them elsewhere. Should you choose to read, in the volume of the archives of this mission, Mr. Davis's despatches, and Governor Sen's replications, you will perceive that the Chinese commissioner never conceded the principle that the local authority of Shanghai *could* create an exclusive right in the English merchants to a district of unoccupied land by such a machinery as the so-called "concession;" but he desired to waive all difficulty, and to place the citizens

of the United States on a similar footing by making them parties to a similar arrangement. His excellency Mr. Davis despaired of bringing the Chinese commissioner to assert the proper principle, and concluded to postpone the discussion until some case should arise to bring the rights of parties to a practical test.

The American consul himself soon presented an opportunity to have the case reviewed. He purchased ground inside of the British concession, and settled the terms with the owners of the land, and presented his conveyance for the seal of the intendant, and for registration at the consulate of the United States, without in any way recognising the right of the British consul to interfere in the transaction. His deed was examined, sealed, and registered accordingly, *apparently* without question; and the matter of the "concession" to the use of English merchants exclusively *seemed* to have received a practical solution, consistent with the rights and claims of citizens of the United States, under the treaty between the United States and China.

But *without the knowledge of the United States consul* the intendant *had submitted the deeds to Mr. Griswold to the British consul for his approval;* so that the only point *really* decided was the registration of the conveyance at the consulate of the United States instead of that of her Britannic Majesty. In the spring of 1852, however, Mr. Roundy, an American citizen, purchased land within the British concession, and Mr. Cunningham, the vice-consul of the United States; sent in the conveyance to be examined and sealed by the intendant, and returned for registration at the consulate of the United States. The intendant informed the vice consul that the conveyance must be submitted to her Britannic Majesty's consul, and *must be registered in his office.* This the vice-consul promptly but firmly refused to do; and thereupon gave the intendant forty-eight hours within which to perform his duty, according to the interpretation of it adopted by the authorities of the United States, or to close the communication between the authorities of the United States and China at this port.

The intendant yielded, and returned the conveyance duly sealed and ready for registration. The British consul then addressed a remonstrance; whereupon, the vice-consul issued a proclamation to the citizens of the United States declaratory of the course to be pursued by them in obtaining lands, and this paper distinctly *repudiated* the validity or binding force of the British concession. This proclamation was officially protested by the British consul, and referred, with the papers, to her Majesty's plenipotentiary, and by him to the Foreign Office at London. The instructions referred to by the letter of the consul, now submitted, is the reply from the home government; and, whatever may be their exact tenor, it is palpable that Great Britain does not intend to insist on an exclusive right to the dedication to possible future uses for her subjects, which the "concession" originally attempted to effect, and which would have amounted virtually to an abridgement of rights, under the treaty, of citizens of the United States to purchase or rent lands from Chinese proprietors at Shanghai. The foregoing brief history of a matter which has been in dispute for several years, in a sort of tripartite war, (upon paper,) between Great Britain, China, and the United States, is necessary, to save you the trouble of looking through

e volume of documents to obtain a correct understanding of the t. It will also enable the President to appreciate the questions arise upon the subject of municipal regulations now presented. l now submit some observations upon those questions for his con- tion.

: exemption from taxation, and from the general force of the reg- ıs, which is claimed for the Chinese public offices and her Bri- : Majesty's consulate, (which occupies about 30 acres of ground,) to me incorrect in principle, yet as not presenting an insur- :able objection, provided the lands hereafter acquired by the d States for public purposes shall in like manner be exempt from ɔn. That the United States will lease for workshops, naval store- ;, warehouses, dock and other purposes, as jail and prison-yards, do not doubt, and the sooner, in my opinion, the better.

:em the machinery provided by the second section quite objec- le, in so far as it inhibits the transfer of property between for- 's, except through the instrumentality of a consul, and upon a nty to observe these regulations. This may have been necessary the regulations derived their force only from the voluntary obe- :' of the residents, but cannot be necessary when they shall assume gnity of permanent laws.

: *approval* by the intendant of circuit which is required in the 3d ıtion, is a very bad construction put on the 17th article of our . My construction is, that where no impediment exists to a er by a Chinese proprietor to a citizen of the United States, and ırties themselves agree as to terms, the sale may be consummated ut the intervention of the public authorities. Every case of ılty that arose at Canton, sprang from the exercise of magisterial r on the part of the Chinese officers over Chinese who proposed l; and it seemed to be easy for them to avoid every sale by the ɔosition of objections, of the validity of which the officers them- s were the judges. The same remark is applicable to the case pending at Fuhchowfoo.

the fifth section, I would withdraw from the consuls the power to mine the extension of roads, wharves, jettees, &c., as a matter ;n to their duties, and vest the same in a committee of the resi- ı appointed by the tax-payers. The President will see the character xation these people live under from the 7th section of these regu- ıs. A mow is one-third of an acre, and the government tax of cash per mow, is about *three dollars per acre!* The fields, much ertile than those near Canton, pay about seventy-five cents per and tax.

e eighth section I regard as wholly objectionable, as creating ous distinctions against the Chinese, and exercising exactly the of exclusiveness towards them which we now complain of when sed towards ourselves. It cannot be sound policy to segregate ɔpulations, and, instead of prohibiting the settlement of Chinese g the foreigners, it should be invited. None will exercise the ege unless he is some man of fortune, who will prefer the style of reigners to that of the Chinese. One such rents already a very ɔus *foreign residence, in* which he resides, in the midst of the for-

eign settlement in Shanghai, quite as decently and quietly as any one else here. Prejudices will only give way before long-continued pleasant social intercourse, and I anticipate great effect to be produced by inviting the Chinese gentlemen to live among the Americans and English. It is bad policy to exclude them.

The ninth section, as it stands, is subversive of justice, and entirely concurs in that false construction of our own treaty by some of my predecessors, which has given rise to such oft-repeated troubles. To compel a Chinese to part with his private property, in order that a foreigner may have it for his private uses, by establishing for the property a price which the owner shall be compelled to accept, never could have entered into the head of a wise and just negotiator, as was Mr. Cushing.

The seventeenth article of the treaty is unfortunately expressed. I apprehend the true construction to be given is this: The citizens of the United States residing at any of the open ports shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct houses and places of business. This part of the clause, as it relates to private uses, must be left to the mutual agreement of parties, unless it be determined to condemn a quarter for the occupancy of foreigners. In *that* case, the site will be selected by the authorities of the two countries, having due regard to the feelings of the Chinese in its location. So, if a site is to be condemned for a church, a hospital, a cemetery, or other *public* purpose, the authorities may intervene to take the ground at a fixed value, just as a piece of land is condemned for a roadway in the United States, through the intervention of a jury and a writ of *ad quod damnum*. But to let a foreigner take a Chinaman's property, at a price to be agreed upon by *quasi* arbitrators, whenever he wants it, and only because he wants it, whether the Chinese desires or not to part with it, is monstrous, to my sense of justice; yet such seems to be the idea conveyed by the ninth section of these regulations. This section may be modified to meet my construction of the 17th article of the treaty, by inserting the words "for public uses" after the word "land," in the first line, and striking out the words "foreigner may refer the matter to his," in the 6th line, and also the words underlined.

The tenth section, down to the word "straw," is but a repetition of treaty rights, and therefore supererogatory. The President will perceive that *wharfage duties on all goods landed* is a measure this foreign settlement proposes as a means of raising revenue to carry on their public improvements; it is a local tax upon commerce, which the importer pays primarily, but the Chinese consumer will pay ultimately, as I presume the consignee is certain to add it to the price of the article taxed. It is fair that a wharfage tax should be paid for the use of good granite jettees, erected at the expense of the foreign residents. I see nothing onerous in this; and I think a small tax on every American ship, in order to build a jail for the accommodation of the disorderly sailors they daily turn loose on this community, would in like manner be proper. This course must be resorted to, unless the government will erect such an establishment on its own ground.

Having thus run through these regulations, I will observe, that this

place is singularly situated in respect to the government of its population. Over the citizens of the United States, the English, the French, the laws of China do not prevail. The citizen of the United States will be governed by no authority but the law of his own country. He denies all municipal authority over him unless sanctioned by the Commissioner. I think the community requires a municipal code for the regulation of conveyances of real estate, and for the regulation of the streets and wharves, and the preservation of public order. The taxes imposed are self-imposed by a meeting, after a republican fashion, in which men from all nations—English, Americans, Parsees, Germans and French—unite. The municipal code being ratified by Great Britain and the United States and France, is a common law, in accordance with their treaties, in every particular, and infractions of it can be punished before the consuls of each respectively, without either interfering with the subjects or citizens of the other.

The matter is too important in its general bearings for me to consent to any system unless upon consulting first the President, whose attention I now respectfully invite to this communication, with the hope that he will favor me with his opinion of the policy of coinciding in a just system of local regulations at as early a day as his convenience will permit.

I am your obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

The British Consul to Mr. Cunningham.

BRITISH CONSULATE, SHANGHAI,
May 23, 1853.

SIR: Certain regulations, known as "Regulations for the land set apart for the residence of British subjects by the Chinese local authorities," which were settled and agreed upon shortly after the opening of the port by her Britannic Majesty's consul, Captain Balfour, and Kung Moo Ken, intendant of circuit, having given rise to embarrassing questions of an international character, a reference on the subject was made some time back to her Majesty's plenipotentiary, and instructions lately received from her Majesty's government lead me to hope that it may now be easy to remove all further difficulties or sources of doubt connected with the occupation of land by British and foreigners within the limits specified. Her Majesty's government have no desire whatever to assert either exclusive right or jurisdiction over the unappropriated land. The only object contemplated in the framing of those regulations appears to have been the protection of British subjects, in the acquisition and occupation of land, from molestation or interference, whether from Chinese subjects, amenable only to the laws of China, or from foreigners, over whom

neither the sovereign of China nor the British authorities could, by treaty, exercise any jurisdiction. In other words, they were designed to secure the enjoyment of privileges already guarantied by treaty, and without prejudice to the rights of any other nation. If this legitimate end, therefore, can be satisfactorily attained by other means, the formal annulling of such regulations can present no difficulty; and on many grounds it would seem desirable that a code of municipal laws or regulations, under the guaranty of all the foreign powers who have interests at stake in this port, should be substituted, resting upon a broader and more assured basis, and so framed as to set at rest invidious questions of exclusive rights and nationalities. There is much to be gained in other respects by the simplification of the old regulations, and the better adaptation of their provisions to the actual circumstances and wants of this cosmopolite colony on Chinese soil. They have no doubt answered a good end in promoting the rapid increase of the settlement, and securing it for a time from many sources of obstruction and injury, for which no other or equally effective machinery was available. But having, during the first critical period, answered the main purpose for which they were designed, there is the less cause for regret that they should now make way for others better adapted to secure the same ends.

I have therefore the honor to enclose, for your consideration and opinion, a draft code, the substitution of which, with the concurrence of all the foreign consuls at the port, and the taoutae, as the chief local authority, it is conceived might be readily effected to the advantage of all. If sanctioned by the ministers of foreign powers in China, and ultimately confirmed by their governments at home, questions as to their validity and application to all foreigners, without distinction, would be at an end. The effect of these new regulations will be to convert the grant originally obtained from the Chinese authorities for the use of the British especially, by Captain Balfour, before any other consular representative had arrived, and before, indeed, any other than British treaties had been signed, into a grant for the use of all foreigners, and to place the whole (with the exception of certain limited localities reserved in the beginning) under the joint control and supervision of the consuls of foreign powers and the Chinese local authorities; the renters having the management of the details and of all the funds, &c., connected with the roads, jettees, or other municipal purposes, in their own hands.

If you and my other colleagues concur in the expediency of adopting these regulations, no time need be lost in taking the taoutae's opinion; after which, I will transmit the whole of the documents to her Britannic Majesty's plenipotentiary. His excellency will then have the opportunity of consulting with the ministers of France, the United States, and Portugal, in this country, previous to the transmission of the papers to the Foreign Office in London.

I have the honor to be, sir, your most obedient servant,

RUTHERFORD ALCOCK,

Her Britannic Majesty's Consul.

Whereas certain regulations, entitled "Regulations for the land set apart for the residence of British subjects by the Chinese local authorties and her Britannic Majesty's consul at Shanghai, in concert and communication together," were settled and agreed upon by Captain Balfour, her Britannic Majesty's said consul, and *Kung Moo Ken*, intendant of circuit, &c.; and whereas the said regulations were, on the 24th day of September, 1846, duly published and declared to be in full force and effect; and whereas doubts having arisen as to the validity of such regulations in cases where foreigners not British subjects are concerned, and as to the power of enforcing them against all persons coming within the limits aforesaid, and it being expedient and necessary for the peace, and comfort, and well-being of all who reside within the said limits, that a code of regulations binding upon all foreigners, without distinction, should be established and substituted in place and stead of the code above referred to, the following regulations have been agreed to and settled by the undersigned foreign consuls, in communication with his excellency Woo, intendant of circuit, in place and stead of the regulations heretofore in force, and which are declared null and void and of no effect from the date hereof.

Preamble.

Given under our respective hands and seals of office, at the port of Shanghai, in China, this ———.

Land Regulations.

1. The boundaries of the land to which these regulations apply are those defined in the land regulations settled and agreed upon by Captain Balfour, her Britannic Majesty's consul, and *Kung Moo Ken*. intendant of circuit, on the 24th day of September, 1846, and further defined in the agreement entered into between Rutherford Alcock, esq., her Britannic Majesty's consul, and Lin, intendant of circuit, on the 27th day of November, 1848, and set forth in the copy hereunto annexed of the original map attached to the said agreement. Within the boundaries aforesaid are certain sites—namely, the new custom-house, the naval dock-yards, and the Temple of Rewards, together with the land set apart for the use of her Britannic Majesty's government, known as the British consulate site—which are excepted from the operation of the now-recited regulations, and to which the same do not apply, but save, as aforesaid, all lands rented by foreigners within the said limits shall be held under and subject to the said regulations as a condition of tenure thereof.

Boundaries and limits defined.

2. Any person desiring to rent land, or purchase houses, from the Chinese proprietors within the said limits, must first apply to the consul or consular agent of his nation, or if there be none appointed, to the consul of any friendly power, clearly specifying the locality, boundaries, and number of poo and mow of the said land; and the said consul or consular agent will thereupon inquire whether any impediment exists to its settlement by reason of previous negotiation by other parties or otherwise; and the said consul or consular agent will inquire from the other foreign consuls whether such exists on the part of any other foreigner; provided always, that

Mode of acquiring land.

if such impediment does exist, then, and in such case, a reasonable time shall be allowed the first claimant to settle for the said land or houses; and the failing to do so within such reasonable time, shall be considered and held a virtual surrender of such prior right of settlement; and the same shall revert to the foreigner next applying, on notice to that effect being given by his consul, and no good cause shown why it should not revert as aforesaid. And it shall not be lawful for the Chinese authorities to permit any foreigner to rent, or to grant title deeds for land to any foreigner within these limits, otherwise than through the application of a foreign consul, who shall first guaranty the observance of the now recited regulations on the part of the applicant concerned.

3. It having been ascertained that no impediment as aforesaid exists to the renting of the land by reason of priority of claim aforesaid, refusal to be bound by the now-recited regulations or otherwise, the party interested may settle with the Chinese proprietors the price and conditions of sale, and will then report the transaction to his consular representative, and lodge with him the draft agreement, or deed of sale in duplicate, which the said consular representative will transmit to the intendant of circuit for examination and approval. If the sale be approved of, the deeds will be returned to the consul sealed by the intendant of circuit; and the consular representative will thereupon summon before him both buyer and seller, and the said deeds will be signed and sealed, and the purchase-money paid in his presence, and that of a proper Chinese local officer, and an acknowledgment for such payment will then be endorsed upon the deeds, together with a memorandum declaring the day and date when the purchaser can enter into possession. If there are graves or coffins on the land rented, their removal must be a matter of separate arrangement, it being contrary to the custom of the Chinese to include them in the agreement or deed of sale.

Final settlement and title deeds.

4. The deeds of agreement or sale aforesaid having been completed, and the purchase-money paid, his excellency, the intendant of circuit, will forthwith, on official report of the same, issue a title deed in triplicate in the form already determined upon; and in all cases when such title deeds are issued to foreigners, the intendant of circuit will send a copy thereof to the several consular representatives of foreign powers at Shanghai, to enable them to keep a complete register of the land rented by foreigners within the said limits, and enter the lot in its proper place on a map to be filed at the offices of the said consulates for reference.

Deeds of agreement, or sale in triplicate.

4. It is clearly understood and agreed to, that land surrendered by the various foreign renters to public use, such as roads and the beach grounds of the rivers within the aforesaid limits, shall remain to the same uses as fully, and to the same purport and effect, as in the said former regulations mentioned and set forth; and as new lots are acquired, such parts thereof as are beach ground shall be held under and subject to similar uses; and due provision shall be made for the extension of the lines of roads *at present* laid down as means of communication in the settlement. To *this end* the foreign consuls and the intendant of circuit will, at the be-

Land surrendered for public use.

ginning of each year, together examine the map and determine what new lines of road are necessary; and land subsequently required to be rented shall only be granted with the proviso, expressed or understood, that the renter shall surrender the beach ground aforesaid, if any, and the land acquired for such roads; and in no case shall land surrendered as aforesaid, either heretofore or hereafter, be resumed, nor shall any act of ownership be exercised over the same by the renters thereof, notwithstanding they shall pay the Chinese government ground-rent reserved thereon.

6. When land is rented, stones must be laid to define the boundaries thereof, but under the supervision of the consul applying for the land, who, in concert with the Chinese local authorities, will give the necessary instructions to the renter for placing these land-marks, so that they may not interfere with the lines of road or the boundaries, or in any other way give cause for litigation and dispute hereafter.

Boundaries—stones to be placed.

7. There is an assessed annual rent or land-tax reserved to the Chinese government on all land rented by foreigners within the said limits, at the rate of 1,500 cash per mow. The period of paying this rent is definitely fixed for the fifteenth day of the twelfth month of each Chinese year, on which day the next ensuing year's rent is payable in full and in advance by the renter. The intendant of circuit will address the several consuls ten days previous to this period, who will direct the respective renters to pay the amounts due on their lots to the government banker, who will thereupon give receipts in triplicate for the same. Should a renter pass the period fixed and not pay the reserved rent, the intendant of circuit will request the consul, under whose jurisdiction the defaulter is, to recover the same.

Chinese land-tax.

8. Renters of lots requiring to transfer their interest therein to other parties must give due notice thereof to the consul under whose jurisdiction they are, who will communicate the same to the other foreign consuls and the intendant of circuit, that the transfer may be recorded and the actual renter or holder thereof may always be known. Within the said limits, Chinese subjects may not rent or hold lands or houses from or under foreigners; nor may a Chinese proprietor rent or let lands or houses to another Chinese, or build new houses or sheds or open houses.

Transfer of lots.

9. In the settlement and renting of land within the said limits, due regard must be had to the feelings of the Chinese people and their vested rights. If the rent or price demanded by the Chinese for his land or houses is higher than is usually or can fairly be demanded for property of the same description, the foreigner may refer the matter to his consul, who will agree with the intendant of circuit on an equitable price for the same, which the said proprietor, *after having once signified his willingness to sell by entering into treaty for the same*, may be compelled, in accordance with provisions of treaties in force, to accept; and his excellency the taoutae will, upon requisition of the said consul, take the necessary steps to that end.

Settlement of price.

10. The quantity of land within the said limits rented at any one time by foreigners, individually or collectively, must depend upon their requirements, and the uses to which it is to be applied. After foreigners have rented land, they may build houses thereon, for the residence of their own families and dependants, and the storing of lawful merchandise. They may make public roads, gardens, or places of recreation; erect churches, hospitals, charitable institutions, schools, and buildings for public purposes, but not straw sheds, bamboo or wooden houses or buildings of inflammable kinds; nor must they store within their premises contraband goods, or merchandise likely to endanger life or cause injury to individuals, such as gunpowder, sulphur, large quantities of spirits, and such like. If articles of these kinds be brought to Shanghai, a place must be fixed upon, by the authorities in communication together, and if such location be within the boundaries, it must be sufficiently distant from the other dwellings and warehouses to prevent danger thereto; the public roads must not be encroached upon or obstructed, as by scaffolding for the purpose of building, timber logs, stones, bricks and other building materials, or by projecting eaves of houses, or grate or door-steps to entrances; by the heaping up of goods for any length of time; and such like individuals must not be inconvenienced by the accumulation of filth running out of gutters upon the roads, firing of guns, causelessly creating noise or disturbance, furious riding or driving, or the leading horses up and down the chief thoroughfares for exercise, or by any act coming legitimately within the meaning of the term nuisance.

Extent of lots and usages applied.

11. It being expedient and necessary that some provision should be made for the making of roads, building public jettees and bridges and keeping them in repair, cleansing, lighting, and draining the settlement generally, and establishing a watch or police force, the foreign consuls shall, at the beginning of each year, convene a meeting of the renters of land, within the said limits, to devise means of raising the requisite funds for these purposes; and at such meeting it shall be competent to the said renters to declare an assessment in the form of a rate to be made on the said land, and in the form of wharfage dues on all goods landed at any place within the said limits; and to appoint a committee of three or more persons to levy the said rates and dues, and apply the funds so realized to the purposes aforesaid, or in such manner as may be agreed and determined upon at the said meeting; and to that end the said committee shall be empowered to sue all defaulters in the consular courts under whose jurisdiction they are; and in case any one or more of the said defaulters have no consular representative at Shanghai, then the intendant of circuit shall, upon application of the road committee, transmitted through the foreign consuls, recover from such defaulters the amounts due from them for land assessments or wharfage dues, and pay the same to the said committee; moreover, at such yearly meeting, the accounts of the committee for the past year shall be laid before the assembled renters for their approval and sanction. It shall also be competent for the foreign consuls, collectively or singly, at the requisition of the renters of land, to call a public meeting at any

Roads and jettees; assessment on land and wharfage.

time, giving ten days' notice of the same, setting forth the business upon which it is convened, for the consideration of any matter or thing connected with the land; provided always, such requisition shall be signed by not less than five of the said renters, and that it sets forth satisfactory ground for such request. The resolutions passed by a majority at any such public meetings, on all such matters aforesaid, shall be valid and binding upon the whole of the renters of land within the said limits, if not less than one-third of them are present. The senior foreign consul present at such meeting shall take the chair; and, in the absence of any consul, then such renter as the majority of voters present may nominate. If renters of land in public meeting assembled, as herein provided, decide upon any matter of a municipal nature not already enumerated, and affecting the general interests, such decision shall first be reported by the chairman to all the foreign consuls, and by them to the intendant of circuit, for their joint concurrence and approval; without which approval, officially given, such resolution cannot become valid and binding upon the renters as a body.

12. Within the said limits shall be set apart land for cemeteries for the interment of foreigners according to the rites of their respective religions or countries. In no case shall the graves of Chinese, on land rented by foreigners, be removed without the express sanction of the families to whom they belong; who, also, so long as they remain unmoved, must be allowed every facility to visit and sweep them at the established periods; but no fresh interments of Chinese must hereafter be made, or coffins placed within the said limits, save and except in the *Shaouling* cemetery and the family tombs of *Min* and *Laon*, especially reserved when the land was set apart as aforesaid.

Cemeteries for foreigners; Chinese graves, &c.

13. No foreigner or Chinese shall sell spirits or liquors, or open a house of entertainment within the said limits, without a license to do so from the foreign consuls and intendant of circuit collectively, and upon good and sufficient security given for the maintenance of order in their establishments.

Sale of spirits or liquors, opening of public houses, &c.

14. Hereafter should any one of the foreign consuls discover a breach of the now-recited regulations, or should information thereof be lodged with him, or should the local authorities address him thereon, he shall, in every case within his jurisdiction, summon the offender before him, and, if convicted, punish him summarily, either by the imposition of a fine, as for breach of treaty regulations, or in such other manner as may seem most expedient. Should any foreigner, who has no consular authority at Shanghai, commit a breach of the said regulations, then, and in such case, the Chinese chief authority may be appealed to, by any one or more of the foreign consuls, to uphold the regulations in their integrity, and punish the party so infringing them.

Breach of regulations.

15. Hereafter, should any corrections be requisite in these regulations, or should it be necessary to determine upon further rules, or should doubts arise as to the construction of or powers conferred thereby, the same must be consulted upon

Provisional clause.

and settled by the foreign consuls and intendant of circuit in communication together, who shall equitably decide thereon.

Mr. Alcock to Mr. Cunningham.

BRITISH CONSULATE, SHANGHAI,
June 20, 1853.

SIR: I have the honor to acknowledge your letter of the 27th May, received on the 13th instant, and am glad to observe that you concur in the necessity of some general system of government applicable to all foreigners alike; and that your objections to the draft I transmitted to you in my letter of the 23d ultimo, are limited to certain specific articles. To these I have given careful consideration, and, after discussing with you verbally the particular grounds of dissent, I now beg to offer a few very brief remarks, stating how far I feel justified in assenting to the proposed modifications.

Your objection to the preamble will probably be satisfactorily met by the omission of a single passage erased in the enclosed copy. Of course there can be no desire to involve you, either directly or indirectly, in an admission of the validity of a right which you have contested, and I am instructed my government has no desire to maintain; but to repeal a set of laws, (under which nearly all the land has been obtained,) and substitute another code, without any reference to the first, might be productive of inconvenience, and is otherwise unusual.

The exemption from the regulations claimed for the consulate site, on the part of the British government, and provided for in No. 1, I perceive you object to, on the ground that it involves exemption from *public burdens*, which you do not consider either equitable or expedient. This privilege, however, would appear to exist as a right which no one can justly call upon her Majesty's government to relinquish, if not so disposed; founded as it is upon the purchase in perpetuity of certain ground situated outside and beyond the limits to which the existing regulations applied, and under conditions of tenure whereto the Chinese and British governments are alone parties. One of these original conditions was the right of exemption from all foreign interference in respect to any third party, either to fix or to legislate for it. Mere *contiguity* of a foreign settlement, under a code of municipal laws, from which the site in question might be assumed (more or less correctly) to desire some "consequent benefit," could not invalidate this previous right of exemption. Whether her Majesty's government might not feel as well disposed now as heretofore to continue a contribution in aid of the public roads, and other municipal expenses, equivalent to that which could be levied as a tax upon the land, were the regulations to apply to it, is a different question. It is, at all events, not the burden of the public taxes, but the principle involved in levying them, which my instructions do not leave me any option in opposing. The regulations three and four, to which some objection is taken on the ground that they

necessary, will, I think, be found conducive to a good under-
ıg between the sellers and buyers, and prove otherwise advan-
s. The treaties supply no rules or information whatever as to
st mode of proceeding for the acquisition of a legal title to land
eigners. For these reasons I think the omissions would be inex-
t.

egards the exclusion of Chinese renters and fresh interments, I
ain very serious doubts of the *policy* of mixing with foreigners in
me settlement a Chinese population with different laws, habits,
ustoms. Under any circumstances, I conceive the facility of
n among us should be carefully guarded from abuse, and that the
it of either the whole body, or the majority of the foreign consuls,
be insisted upon as the indisputable condition.

to the interments, much may no doubt be said against our inter-
e; but there should, at all events, be a proviso against depositing
above ground—a practice already condemned by edicts from
al authorities. Modifications in the regulatious referred to have
nade, as you will perceive in the enclosed draft, and in the sense
r objections.

ıall, in conclusion, be very glad if, by mutual concessions, the
end in view can be accomplished.

ıve the honor to be, sir, your most obedient servant,

RUTHERFORD ALCOCK.

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ial—No. 24.] LEGATION OF THE U. S. A., SHANGHAI,
July 30, 1853.

: I have the honor to enclose a communication addressed by me,
10th instant, to the imperial commissioner at Canton. I do not
whether that officer visits Canton frequently or not, but I pre-
my letter will be attended to by his associate, if necessary. The
oint of importance in the letter is my *résumé* of the case of Mr.
ts. It is a very old case, one which the United States must en-
or they may as well tear up the treaty. It has been standing as
esent for four years, without any movement in it whatever.
last passage in the management of the case was the categorical
y by Mr. Davis, of Indiana, to Governor Sen, then imperial com-
oner, "will you pay the money or not?" to which that officer re-
that he would *not* pay any more than had been collected from
ioters, (about $300,) leaving the American claimant to lose the
inder. Mr. Davis wrote for instructions, but as Mr. Buchanan
about to retire, he left the determination of the question to his suc-
r. When I was about to leave the United States, the Secretary
ate called my attention to this case particularly in his despatch
, dated 20th September, 1852, remarking that as I would be on
ot, where access could be had to all the evidence, I would "be
ed to determine whether it was of such a character as to *warrant*
ficial interposition of the government." You may imagine my sur-
when I ascertained that all the evidence had been long ago taken

before a joint commission appointed by the two governments, and that the joint commission, four years since, had rendered its award of $1,400 damages to the claimant, which was less than half the amount of his losses, as stated by himself; that the United States had peremptorily demanded payment, and had been met by the miserable pretence that the award was of no account unless it could be collected from the thieves and rioters who destroyed the property, or ran away with it.

In the first letter of instruction I received from the Secretary of State, I was told, "in cases of this nature, where the intervention of the government shall be proper according to the public law, you will afford such official aid as may appear to you appropriate to the occasion, whether you have special instructions from this department or not."

Finding the responsibility of action thus devolved on me, and entertaining no doubt of the liability of China to meet the award of a joint commission raised under the treaty, I shall proceed, in case of any equivocation as to the payment under my demand, to make reprisals to the amount, or to blockade the port of Canton until the money is paid, or to stop the sum from the duties payable to the Chinese custom-house; in fine, to collect the money by any means *short of actual war*.

The practice of permitting the Chinese officers to trifle with common honesty, and our common sense, is extremely pernicious to the national interests and reputation of the United States. Conciliation and kindness are entirely compatible with the sternest and precisest adherence to the rights of the citizens of the United States in China.

I have the honor to enclose a brief correspondence between Dr. McCartee, at Ningpo, and myself, on the subject of an abuse of the American flag. I should have removed Johnson from office immediately, but that I was assured by the consul of his general correctness of deportment, and of the inability to supply his place. I was assured by Johnson that he had accepted the sale without thought, or an idea that he was committing the flag. He voluntarily told me that he had done the same thing in several instances, at the instance of clerks in the several mercantile houses, which he would at once rectify. The confiscation of vessel and cargo, which indubitably followed the receipt of my letter at Ningpo, will teach the Chinese a salutary lesson who attempt hereafter to deal under the flag of the United States.

The next subject to which I desire to call the attention of the President does not fall within the exact range of the connexion between the State Department and this legation, but I insert it here for the sake of convenient reference. The President will see from the letter of Mr. Cunningham that, in the absence of all naval force, there is no strength in the civil arm here, unless under some extraordinary exertion of it, as I have made. There are now in this port at least one hundred and fifty sailors ashore, men of all nations, who go into the Chinese city and drink and riot and brawl, daily and nightly. They presume to defy all law, because they have tried the jail and find that they cannot be confined in it. No other punishment has been inflicted upon them as yet besides confinement. They have no money from which to collect a fine. I earnestly request the President to give the authority to

e a lot of ground in this *vicinity* on which to erect a jail, with a l attached thereto, in which sailors may have air and exercise, and Congress shall be urged to make an appropriation for the purpose recting a jail thereon. The marshal can reside in the tenement, the fines and forfeitures will probably pay for a guard to attend the nises. The United States having assumed jurisdiction over their citizens in China, are expressly bound to compel them to keep the ce, and this cannot be done so long as there is no place to confine delinquents in, except a loathsome hole inhabited by the foulest rs, and in itself so weak that a man of American energies can kick way out in a few minutes. The constabulary force I have directed be discharged as soon as the public good will allow.

have the pleasure to send herewith also tables showing the British orts, exports, and tonnage at this port during the past year.

have nothing new in regard to the rebellion which is reliable. ements indicate the direction of troops on the lines I have hereto- suggested, and the rebels prove successful in every engagement. ine is doing dreadful work among the people of Shantung province, the deepest terror is said to dwell among the courtiers at Pekin.

am, with sincere respect, your very obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

Mr. Marshall to his Excellency Yeh, Imperial Commissioner.

LEGATION OF U. S. A. IN CHINA, SHANGHAI,
July 10, 1853.

IR: The undersigned, Commissioner of the United States of Amer- to the Ta Tsin empire, having learned, at an interview which he l lately with his excellency I-liang, governor-general of the Siang ng, &c., &c., that a communication addressed in the month of April by the undersigned to the prime minister at Pekin had been sent n Suchow to your excellency at Canton without having first gone vard to Pekin, has now the honor to address your excellency upon subject. It is curious enough that such a devious route should be sued by an official paper intended for the eye of his Imperial Ma- y; especially that delay should *thus* be occasioned to the transac- of necessary business between China and a friendly power. But undersigned persuades himself that your excellency has long since ified the mistake, as far as practicable, by forwarding the letter to prime minister (or the four prime ministers) at Pekin, for whose usal it was intended; and he entertains a hope that you may al- ly be in possession of the reply to said note. Should such prove e the fact, will your excellency be pleased to forward the said re- to me at this city through the hands of Peter Parker, esq, secretary interpreter *to this legation*, who dwells for the present at Canton? *undersigned having* forwarded his credentials of office to his Im-

perial Majesty through his excellency the governor-general of the Siang Kiang, finds himself under a greater necessity now than heretofore to see that the letter alluded to shall reach its destination. If your excellency shall think that, by any accident, it has again gone astray between your excellency's hands and Pekin, the undersigned can cause a copy, with a proper explanation to his Imperial Majesty of the delay and its causes, to be sent in a national vessel of the United States to the mouth of the Peiho, where an answer can be awaited by the officer commanding. The undersigned would beg your excellency to be assured that a proper answer to that letter from the court of Pekin is due to the friendship existing between the Emperor of China and the government of the United States of America. The undersigned feels every assurance that your excellency will second his efforts in this particular by informing him, as soon as practicable, whether you forwarded the said letter to its address, and what information you have concerning it.

Before closing this communication, the undersigned begs to call your excellency's attention to some matters of business which it will be well to close at once, lest the undersigned should find his public transactions hereafter conducted with another officer than your excellency, or with your excellency in another quarter than the south. The first and the oldest of these is the small amount due from China for damages done by a mob to the property of Mr. Roberts, a citizen of the United States. The undersigned is instructed to close that case definitively, and he will be obliged to your excellency to cause to be paid the amount of the award of the joint commission, $1,400, with interest on the same from the date of judgment to the day of payment. The undersigned will not reopen the vexatious discussion of that case with your excellency. Fortunately for us, the facts were settled by our predecessors, the damages all ascertained, the award made, and we have only to manage the matter of the payment. If your excellency shall be ready to pay the amount immediately, it can be handed to the secretary of this legation, who is at Canton; or, should your excellency require further delay for such a sum, you will please to fix some early day for payment which will be convenient to your excellency.

Another matter has been long unsettled, to which the undersigned loses no time earnestly to call your especial attention. It is the matter of the lease to certain American citizens at Fuhchowfoo, which has been the subject of correspondence between your excellency and Peter Parker, esquire, acting chargé *ad interim*. Eighteen months have elapsed since your excellency's predecessor undertook to procure information from Fuhchowfoo to guide his view of that case, but the result has never been communicated. The undersigned is bound to presume that your excellency is ready to cause the treaty to *be enforced* in favor of American citizens, and the damages to be paid which they have sustained by delay in the enjoyment of their rights.

The undersigned desires to close these claims without unnecessary delay; and he trusts your excellency will accept, on this occasion, the assurance of his distinguished consideration.

HUMPHREY MARSHALL. [L. S.]

To his Excellency YEH,
Imperial Commissioner, &c., &c., &c.

Mr. McCartee to Mr. Marshall.

NINGPO, *July* 14, 1853.

IR: Everything having continued quiet at Ningpo, I have not had honor to address you for some time. Nor have I, at the present :, anything of importance to communicate except the fact that Chi- : boats have begun to hoist flags in imitation of American and Eng- , with the intent thereby to give the impression that they are ined or owned by foreigners, and to evade the laws or custom-house es of this country. Mr. Meadows, her Britannic Majesty's inter- :er in charge, has already made a representation to the British con- at Shanghai on the subject, and having myself boarded a boat from nghai flying a flag not to be distinguished at a little distance from American flag, (the only difference being a small cross where :e should be stars,) I have thought, in the absence of any accredited :er of the United States of America, it would not be out of place to rm you of the fact.

have the honor to be, &c.,

D. B. McCARTEE.

ince writing the above, I have been applied to by three Chinese,) told me they belonged to a boat called the Shingfat, which they l *had an American flag*, and was owned by an American at Shang- The boat having been seized by the custom-house authorities, y applied to me, as they said they had been directed to do in case ny trouble. They showed me three papers:

st. A bill of sale from a Chinese named Alock, certifying that for the ı of $400 he had sold the boat Shingfat to Thomas M. Johnson, a zen of the United States of America; witnessed by W. G. Pierce l P. Louriero, May 2, 1853.

d. A paper of same date, certifying that Thomas M. Johnson had rtered the boat Shingfat to Alock, at $20 per month, for pur- es of lawful trade, &c.; charterers to pay current expenses, port rges, &c.

d. Certificate of Alock that he had chartered the boat Shingfat n Thomas M. Johnson, on the terms and for the purposes above cified. The second paper was witnessed by P. Louriero and Hi- ı Fogg, the third by P. Louriero and T. A. H. Duins. The boat ing no clearance from Shanghai, and having entered the port of gpo, and attempted to land her cargo without entering it at the cus- -house, has been seized by the Chinese authorities. The Chinese oard said they were told by Mr. Johnson that the papers were suf- :nt to enable them to pass the custom-house, and that in case of culty they were to apply for assistance to Dr. McCartee. I told n I could not help them; that they had no American sailing letter, ight to fly the American flag, and no right to land goods without paying duties upon them at the custom-house. I have written a er to Mr. Cunningham on the subject, which one of the boatmen has e with.

t is said that the officers here have been ordered to *force* a contribu- ı to the imperial treasury to the amount of several hundred thousand

dollars. This has been done in some other places, and is a most suicidal measure on the part of the imperialists. No more certain method could have been devised for driving the people into the ranks of the insurgent party.

I have the honor to be, very respectfully, yours,

D. B. McCARTEE.

—

LEGATION OF THE U. S. OF AMERICA, SHANGHAI,
July 18, 1853.

SIR: I am informed by a letter from Dr. McCartee, at Ningpo, that a vessel called the Shingfat, carrying the flag of the United States of America, and which purports to have been chartered by you as owner thereof to a Chinese subject called Alock, he having in his possession a bill of sale to you, the charter party granted by you has been seized by the Chinese revenue officers at Ningpo for a violation of the Chinese revenue laws.

As you are holding an office of trust and profit under the United States, it becomes my duty to request you to afford me such explanation of this transaction as may be within your power; and especially I desire you to explain whether the vessel aforesaid has been registered according to the laws of the United States; and if so, to exhibit to me her papers, or to inform me by what authority she goes abroad under the flag of our country.

I am, sir, yours, respectfully,

HUMPHREY MARSHALL.

Mr. T. M. JOHNSON,
Marshal of the United States of America
for the Shanghai district.

—

Mr. Marshall to Dr. McCartee.

SHANGHAI, *July* 19, 1853.

SIR: I have examined Mr. Johnson in regard to the case of the Shingfat, and find that the bill of sale which purports to convey the property in said vessel to him is colorable merely, and was designed to afford protection to Chinese owners.

You will communicate this fact to the local authorities of Ningpo, and assure them, on my behalf, that I have no intervention to make for the vessel or the cargo; and that, in my opinion, the punishment provided by law should be inflicted upon the guilty parties.

I am satisfied that Johnson merely *lent* his name without any consideration; *and this is not the only case.* The real parties are not yet exposed, I think. Please to demand the bill of sale and charter party, and return them to me to be destroyed. As to the vessel, the cargo, and the Chinese, let them be passed to the sole management of the *Chinese* public authorities.

›ractice of simulating the flag of the United States is a poor de-
every vessel that hoists such a bastard flag *proclaims her own character*, and, as an illegitimate trader, is subject to seizure by and everywhere.

ag has thirteen red and white stripes, and the union is a blue with white stars—one for each State, (thirty-one.)

nay come close to it, but if they *d› not fly the actual flag*, they ›w that their own business is unfair, and *their flag* exposes them re, instead of protecting them.

obliged to you, and remain yours, respectfully,

HUMPHREY MARSHALL.

McCartee, Esq., *Ningpo.*

Will you act as consulate agent at Ningpo under my appoint-

H. M.

—

Mr. Cunningham to Mr. Marshall.

United States Consulate, Shanghai,
July 23, 1853.

I beg leave to call your attention to the urgent necessity at existing of affording me greater facilities and power for main-peace and order among American seamen visiting this port. sul Griswold has forcibly presented in his letter to the honor-retary of State the great inconvenience and difficulty to which States officers here are subjected for want of a proper jail; the ce of confinement available for refractory sailors being the Chi-l, totally unfit for Europeans, from want of cleanliness and on, and strength to hold them. It is the place of residence of t loathsome Chinese criminals, who, unwashed and half un-often remain for years, covered with vermin and offensive sores, h releases them. The sailors who are sent to this prison are ily confined in sight and reach of these unhappy creatures. The nts, only divided by rails, have no floor but the earth, and are ›d, in their construction and situation, to receive the greatest summer and the severest cold in winter. That this statement aggerated, is shown by the feeling always evinced by the for-idents whenever necessity has compelled the imprisonment of here, and by the fact that the functionary for the time being bears to punish, even when he feels that punishment is required, by natural feelings of humanity. It is further to be observed, ugh effectual for retaining Chinese criminals—the dangerous of whom are always confined in strong bamboo cages—the jail use where a party of Europeans are to be confined to it, its › being of such a nature that they can force their way through s in a few minutes, in any part of it; and this has repeatedly d.

To return to the present circumstances of the port, by which I am induced particularly to address your excellency, there are now on shore upwards of sixty or seventy men from American vessels, mostly deserters—some from ships that have left, and some from those now in port. A vessel arrives from California, where they are shipped by the run to this place, to take port wages on arrival to a port of discharge in the United States. The crew uniformly ask for their discharge, which is of course refused, when they as uniformly desert; and there is no power in existence here to prevent this outrageous infraction of the law. They cannot even be put in the Chinese jail, objectionable as it is, for want of power to keep them there; and confinement on board ship is impossible, as there are no arrangements for such an unusual contingency, and the business of the ship would be obstructed. They roam about the suburbs of the Chinese city, getting into constant broils with the natives, in which both sides use weapons, and dangerous wounds and even death are the consequence. There are now four men in the European hospital from dangerous cuts and stabs, and several others at boarding-houses, convalescent, from like casualties. It is in vain to call on the Chinese authorities for aid, as their police are entirely inefficient against foreigners, and the force at my disposal is centred in the United States marshal.

I respectfully submit that this state of things calls urgently for some immediate remedy; for it is impossible for me to perform my duty and maintain order among this turbulent class of foreign visitors, while left so powerless by our government. Any attempt to enforce the regulations of the port only exposes me to ridicule, as ultimate failure is the result.

I have the honor, sir, to be your most obedient humble servant,

EDWD. CUNNINGHAM,
Vice-Consul of U. S. A.

Mr. Marshall to Mr. Cunningham.

UNITED STATES LEGATION, SHANGHAI,
July 23, 1853.

SIR: Your letter of this date is but confirmatory of reports which reached my ears from other sources as to the violence and dangerous riots constantly occurring between the Chinese and American sailors, or rather deserters.

The laws *must be maintained*, and it is my business here to see that they *are* maintained. If you have no jail, I must devise some other mode of punishment; but I will again call the attention of the President to the propriety of making an appropriation for jails, both at Shanghai and Canton. In the mean time, you will raise immediately a sufficient constabulary force—to consist entirely of American citizens—to devote their entire time to the public business, under such regulations as you will consider shall render them most effective. Let their number be the least that will effect my purpose of maintaining the laws, yet let it be equal to that. You will keep arms for this force at

the consulate, only to be used *when ordered*. For the expense of this force, at the end of each month you will submit to me your own certificate, with receipts and proper vouchers, and for whatever deficit there may be in the contingent fund of this mission, I will draw in your favor on the government of the United States.

Yours, respectfully,

HUMPHREY MARSHALL.

To EDWARD CUNNINGHAM, Esq.,
United States Vice-Consul.

Return of the quantities and value of merchandise exported from Shanghai in one hundred and one British vessels, of thirty-four thousand three hundred and eighty-three tons, to the under-mentioned places, during the year ending December 31, 1852:

No. in tariff.	Denomination of articles.	Quantities.	To what countries exported.	Estimated value in sterling at 5s. of exchange.
38	Nankeens.....piculs..	73	London, Liverpool, and Hong Kong.....	£740
46	Silk, raw.....bales..	16,913	.....do.....do.....	1,268,475
	Silk, piece goods.....cases..	56	.....do.....do.....	4,200
55	Teas .....pounds..	22,960,933	Great Britain, North America, N. York, Sidney, Hong Kong, and Canton.	861,035
	Wool .....bales..	86	London and Liverpool.....	650
	Hemp	.....	Liverpool.....	625
	China ware.....piculs..	864	....do.....	4,320
	Brass ware .....do....	566	....do.....	990
	Miscellaneous	.....	.....	810
				2,141,845

NOTE.—A picul is 133⅓ pounds avoirdupois.

Return of the quantities and value of merchandise imported into the port of Shanghai in one hundred and four British vessels, of thirty-six thousand seven hundred and sixty one tons, from the countries and places under-mentioned, during the year ending December 31, 1852:

No. in tariff.	Denomination of articles.	Quantities.	From what countries imported.	Estimated value in sterling at 5s. of exchange.
	BRITISH MANUFACTURES AND STAPLE ARTICLES.			
	Manufactures of cotton.			
13	Long cloths, grey.....pieces....	1,207,477	.....	£633,975
	Long cloths, white.....do.....	196,523	.....	108,187
	Printed cottons.....do.....	19,095	.....	9,547
	Drills.....do.....	8,900	.....	6,675
	Fancy.....	.....	.....	104,952
	Velvets.....	.....	.....	21,762
	Handkerchiefs, down.....	2,217	.....	554
	Manufactures of wool.			
47	Broad cloths, &c.....chang....	80,995	London.....	70,870
	Long ells.....do.....	52,869	.....	15,194
	Camlets.....do.....	65,170	.....	23,250
	Bombazetts.....pieces....	800	Liverpool.....	4,000
	Inferior woollens.....	.....	.....	4,200
	Miscellaneous articles, raw and manufactured.			
30	Iron nail-rod, &c.....piculs....	4,904	Canton.....	3,121
	Lead.....do.....	10,698	Hong Kong.....	14,710
	Tin.....do.....	1,365	.....	5,540
	Tin plates.....boxes....	171	.....	427
19	Flints.....do.....	4,584	.....	1,146
20	Glass and glass ware.....	.....	.....	603
	Buttons.....	.....	.....	1,710
	Products of India and other countries.			
	Beche de mer.....piculs....	845	.....	5,281
	Birds' nests.....do.....	115	.....	430
	Cloves.....do.....	251	British India.....	1,255
	Pepper.....do.....	3,938	Singapore.....	7,639
	Rattans.....do.....	13,338	.....	13,338
	Wood, sandal.....do.....	5,194	South Sea islands.....	7,791
	Wood, sapan.....do.....	2,234	.....	1,334
	Wood, ebony.....do.....	10,488	.....	3,227
	Wood, laka.....do.....	4,401	.....	2,850
	Mangrove bark.....do.....	.....	.....	2,488
	Carrying trade, Chinese produce.....	.....	.....	16,046
	Sugar—sundries.....	.....	.....	14,812
				1,104,881

[Official—No. 25.] LEGATION OF U. S. A., SHANGHAI, *August* 4, 1853.

I submit to the consideration of the President the accompanying correspondence between the secretary of this legation and myself.

The assumption of the secretary that official despatches from the State Department addressed to him are not subject to my inspection, and that the secretary may have a distinct line of correspondence with the Department of State without the privity of the Commissioner, can only be maintained, in my opinion, by subverting all order in the legation, and by depriving the Commissioner of all rank he may hold superior to that of employés in the legation. The propensity to controversy which the reverend secretary exhibits may find its origin in disappointed ambition; but I would hope that it springs from some other cause. It is, at any rate, very unpleasant. I send Mr. Parker's letters to me in

the original, that you may see his chirography, and the reason why I prefer to pay a copyist six hundred dollars per year to write my official papers legibly, rather than to put them into a manuscript which can scarcely be deciphered. Doctor Parker's duties as a secretary being now performed satisfactorily by my Chinese writer, I think, for the appropriation, I could procure at Macao or hereabouts, temporarily, a competent interpreter. His place can be supplied by one *equally competent* without great trouble. I have no desire, however, for his removal from office, provided I can have his services as interpreter wherever the public interest may require me to go, which he will not render, as you will perceive from his declarations in the last of his letters. *I* think the public interest will be most promoted by my remaining here, and by reaching Pekin as soon as may be practicable. Doctor Parker is so tied down to Canton by his medical practice, that he cannot regard the public interest separated from his own private affairs, and if he shall be compelled to relinquish Canton or his office, he will surrender the last. The President can determine the case. At all events, I trust the secretary may be corrected in his idea that my duties may be carried on in a *quasi* partnership with my secretary, and that he may receive a more just appreciation of his respectable position than he now entertains.

I enclose herewith a letter which I received a few days since from the consul at Canton. I do not perceive that I can add anything to the representations it contains. The Chinese government may establish the rate at which Mexican dollars shall be received in payment of duties and taxes, and this will have some tendency to establish the same rate of value for their circulation in commercial exchanges. But the evils which paralyze commerce in China at present are to be found in her political and social systems, not in the mere scarcity of dollars for the moment.

Mr. Forbes has left China for the United States, to be absent for a year, and probably longer. The duties of his consulate are left in charge of Mr. D. Spooner, his partner in business, and, so far as I know, a very competent person. But it may be well to observe to you that, in my opinion, a consular agent merely has no right to discharge the judicial duties devolved by the law of 1848 upon a consul, and I shall so decide if any case comes up before me as Commissioner. *Aliter* of a vice consul, acting under a commission as such from the government during the absence of a consul; because one is an officer commissioned regularly *and known to the law*—the other is not. Whether the vice-consul, when commissioned, may draw the salary of the consul, your department can decide; with that *I* have nothing to do; but in the *judicial* line my decision is final; and therefore I apprize you of my opinion, in order that confusion may be avoided by sending out to Mr. Spooner a commission.

Mr. Charles Bradley, who sojourns at East Haddam, Connecticut, holds the office of consul at Amoy, but his son, Charles Bradley, jun., has been discharging the duties of the office for twelve months past. Lately Mr. Bradley has withdrawn the authority from his son, and directed him to return the seal, flag, and papers of the consulate to me. But Mr. Bradley *does not intimate* whether he expects to return to

China, or whether his purpose is to resign. The consulate at Amoy is therefore closed for the present; and, under the circumstances, I have thought it would be best to wait until I could ascertain the purposes of Mr. Bradley, sen., especially as Amoy remains in the possession of the rebels. The business is small at best, though there is a necessity to have a consul there; but at present no detriment can occur by reason of its temporary discontinuance.

Letters constantly arrive here from the Department of State, addressed to "Dwight Webb, esq., United States consul at Fuhchowfoo." I have to say to you that no person has ever filled the consulate at Fuhchowfoo, and there has never been, and is not now, in China, such a person as Mr. Dwight Webb.

I have the honor to be, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

P. S. The Saratoga has arrived here from Japan, to go into dock for repairs. The rest of the fleet, I understand, go to Hong Kong.

H. M.

Mr. Parker to Mr. Marshall.

CANTON, *June* 7, 1853.

SIR: On my return from Shanghai I received your letter of the 6th May, enclosing a despatch to me from the Hon. Edward Everett, Secretary of State, in reply to one of mine of the 24th November, 1853.

That despatch was without any envelope but your own. As it is unprecedented, so far as my information extends, for the Department of State to send an open reply to a communication from one officer of the government under cover to another, I respectfully request you to inform me if the department has departed from its established usage in the present instance; or, in other terms, was this despatch under cover and *seal* to my address, like a preceding despatch from the same Secretary of State, which I received before leaving Shanghai?

On the receipt of your answer I shall have the honor of addressing you again; but, in the mean time, I earnestly request you will not give publicity to the tenor of that despatch; by doing which you have already subjected me to serious embarrassment.

I have the honor to remain, sir, your excellency's very obedient servant,

PETER PARKER,
Secretary of U. S. A. Legation, China, &c., &c., &c.

His Excellency HUMPHREY MARSHALL,
Commissioner of U. S. A. to China.

Mr. Marshall to Dr. Parker.

LEGATION OF THE U. S. A. IN CHINA, SHANGHAI,
July 8, 1853.

In reply to your letter of the 7th of June, which arrived by the
r of the 2d instant, I have the honor to state that the despatch
on. Edward Everett, Secretary of State, to you, to which your
efers, came under an envelope addressed to you, in the usual
official papers from the State Department, and *under the seal of*
partment, and was opened by me, the contents examined, and
patch then forwarded to you under an envelope addressed by
you.

er, from the tenor of your note, that you regard the despatch in
n, as well as that you received while in Shanghai from the same
ry of State, as your private property. To correct any such
sion, if it exists, I have now to state that both of those despatches
cial papers, belonging to the archives of this legation, and that
ll be certain, as secretary of legation, to deposit them and re-
em in their proper place and order. The address to you was
at the time, because my arrival in China was not then known
State Department. The honorable Secretary is too practical a
atist to have thought of opening a distinct line of correspond-
ith the secretary of this legation that was not subject to my su-
on. I confess my surprise that you should have entertained the
r a moment.

gret to hear that my having mentioned your obtaining a leave
ence on account of your ill health should have subjected you to
barrassment; but, as you were complaining of your health when
ft Shanghai, I rather congratulated some of our mutual friends
ou would have an opportunity to refit your health by a visit to
ited States; and I was induced to mention the fact, also, from the
entertained of assisting you in the selection of your successor
rim, as he was to "be agreeable to me," under the terms of your
f absence.

is not indispensable to your health to avail yourself of your leave
ence, I shall be glad if you would resume your duties as secre-
d interpreter of this legation without delay, and for that pur-
oin me at Shanghai, where I shall remain for some months to
t least. Mr. Culbertson is not sufficiently conversant with the
e to serve as interpreter, and is, besides, too much engaged other-
act as secretary.

I am, sir, respectfully, &c.,
HUMPHREY MARSHALL.

PETER PARKER,
Secretary and Interpreter to the United States Legation in China.

3. I acknowledge the receipt of your letter and translations of
proclamations. The news here is, that a portion of the rebel
has returned to Hupeh and Kiangsi. Mr. Meadows was at the
camp a few days since, and the General expressed decided satis-
at *the visits of missionaries*. He alluded to Mr. Taylor's visit

particularly. He very sensibly remarked, that his books were well enough; but unauthorized persons should not come to their camp, and had best leave the Chinese to fight out their own battles. He has risen in my good opinion for such a sensible observation.

H. M.

Dr. Parker to Mr. Marshall.

CANTON, *July* 25, 1853.

SIR: I have the honor to be in receipt of your letter of July 8, in which you acknowledge that the despatch from the Hon. E. Everett, Secretary of State, under envelope to my address, and under the seal of the State Department, you did open and the contents examine; and I cannot refrain from expressing to you, with due deference, my conviction that, by so doing, you have done an illegal and improper act.

I beg respectfully to state that your inference, as to the light in which I regard the despatch in question, is altogether gratuitous. The simple question at issue is this: Has the Commissioner of the United States a right to open and examine, at his option, a despatch addressed by the government of the United States to another of its officers? It is my opinion that he has not, and that you had no more right to do so in the above instance than you had to open any other despatch not to your address. Whether I am right or not, the State Department will be able to decide. You intimate that this despatch was addressed to me, and not to you, because your arrival in China was not then known to the Department of State. Unfortunately for the validity of that argument, the above fact had not prevented the address to you of other despatches from the same department, which you received even prior to your departure for the north. In the month of November last, such was the state of my health as to render it highly probable that a change of climate might become indispensable for its restoration. As it requires the lapse of several months to communicate with Washington, in anticipation of what might be necessary, I applied for a leave of absence and obtained it; and should it become necessary to avail myself of it, should not fail in due time to acquaint you of the fact, and to conform to the conditions of that provision. Or had I been with you at the time of receiving it, I should not have hesitated to have informed you thereof, with the request that the subject might not be mentioned out of the legation until the time should come to avail myself of it, and thus have avoided the embarrassment and detriment to which I have been subjected

The despatch I received in Shanghai was lost in the Larriston, in which I so narrowly escaped without death. The other despatch, together with the correspondence to which it has given rise, I "shall be certain" to place duly on the archives of the legation.

My duties as secretary and interpreter to the legation I have not intermitted; and as during the missions of your predecessors, Hon. Alexander Everett and Hon. J. W. Davis, when absent from Canton, as they were a considerable portion of the time, whatever documents

you send me for translation, or for copying and transmitting to the department, or for entering upon archives, shall be faithfully and promptly attended to.

As to your wish for me to join you at Shanghai, I must say it is unexpected and unreasonable, as I have so recently, with your full consent and under arrangements which you approved, returned from that port. I accepted the offices I now hold from government under the understanding that I was to discharge their duties at Canton; and when that is no longer practicable, I must resign to the President of the United States the offices which I hold from him. In an emergency, as you are aware, I have not hesitated at great expense and the peril of life itself, as the event proved, to meet it by leaving this city.

I am sorry to say my health has suffered greatly since the exposure at the time of my shipwreck and during my protracted return to Canton, and it will be a long time before I perfectly recover.

I am, sir, respectfully, &c.,

PETER PARKER.

His Excellency HUMPHREY MARSHALL,
Commissioner of the United States in China.

—

Mr. Marshall to Dr. Parker.

SHANGHAI, *August* 2, 1853.

SIR: Your letter of the 25th July, in continuation of your argument against the legality of my opening a despatch addressed to you under the seal of the Department of State, has been attentively considered, and is supposed to bear internal evidence of a most controversial spirit on your part, if not of a deliberately-formed purpose *to involve me in a dispute.*

You stigmatize my conduct as "illegal" and "improper," and my inferences as "gratuitous," upon grounds so slight and so entirely untenable, that your sincerity in relying upon them to justify the harsh epithets in which you deal, can only be credited at the expense of my good opinion of your understanding. One of the despatches in question contained a decision of the Secretary of State upon a point referred to the department by you while acting chargé *ad interim.* How could you imagine that such a despatch, though addressed to you, was not subject to the inspection and control of the Commissioner? The readiness with which you concede the point that the other despatch belongs to the archives of this legation, should have proved to your own mind that you had started at a shadow in this matter, and in the ardor of a desire to have a controversy with me, that you were probably committing yourself to untenable ground. No man of properly organized sensibilities would retain the post of Commissioner to China a moment after the department had instituted a regular line of correspondence with his secretary of legation. No Secretary of State who knew the courtesies due between gentlemen would do such a thing. You have served as chargé *ad interim* in this legation so often and so long, that *you have confounded the* duties and the privileges of the various posts

in this legation, and have forgotten the difference beween the Commissioner and his secretary. As a proof of this, you say you "will be certain" to record the other despatch, "together with the correspondence to which it has given rise." By what authority would you record "the correspondence to which it has given rise?" Your duty to register a despatch received from the Department of State is one thing, but your assumption of a privilege to defile the archives of my legation with all manner of trash about the most absurd points, made on the most immaterial subjects, is quite another thing. I am compelled, therefore, in further correction of what you are to do as secretary, to say to you "to be certain *not* to record on the archives a line of the correspondence to which it has given rise," except as the same may hereafter be delivered to you for registration.

But I will not argue with you, or prolong the expression of my surprise at your estimate of our respective duties. It will be sufficient to say to you that, your opinion to the contrary notwithstanding, I shall continue to open all despatches of a public nature addressed to you by the Department of State so long as you are attached as secretary of this legation, deeming the exercise of that privilege clearly within my function as Commissioner.

In regard to your acceptance of office upon an understanding that you were to discharge the duties at *Canton*, I have only to remark, that I found no evidence of any such agreement upon the archives of the legation, nor am I instructed as to the existence thereof by the secretary. It seems to me extraordinary that any administration should have made the public interest incidental to the private interest of an individual. You pursue ordinarily a profession which is lucrative, and you regard the public office as merely ancillary to your chief pursuit. I am not surprised, therefore, to find you asserting that, whenever the government shall move the headquarters of the legation from Canton, your *private interests* will command your resignation. It has been for some time manifest to me that the public interest was not consulted in retaining the legation at Canton, and *I* shall not return to that place if I can avoid it; so that the contingency is very likely to arise which will induce you to yield the places you hold to some other appointees.

It is true that, in the last of April or first of May, I consented to your return to Canton upon your stating to me that Dr. Culbertson would supply your place as interpreter, and that I could hire some one to copy my despatches. I did hire a copyist, at $600 per year, to perform the secretarial duties, and they have been satisfactorily performed. But on the occasion of my interview with the viceroy, Mr. Culbertson's inability to act as interpreter was painfully manifest. *He* is entitled to the merit of making no pretension beyond his actual attainments, and he admits his want of knowledge of the court dialect. Should my public duties require prompt translations, or verbal conversations with men of rank, I am left without an interpreter. This sacrifice, in order that you may practice your profession, I do not feel called upon to make; indeed, I would not be justified in making it. I can have your duties as secretary performed for $600 per year quite satisfactorily. If you can make arrangements here by which I can have the services of an interpreter *whenever desired and wherever desired*, I have no objection to continue to

accommodate myself *yet* to your individual interests, though the principle is a bad one. You are drawing $2,500 per year for the performance of duties, and you remain eight hundred miles from the chief of the legation, pursuing another profession.

You must study anew, under any circumstances, the rules which should govern the intercourse between us. I want to receive no more letters of a controversial tenor from you. I desire that you shall not again cast any unkind reflections on my course. Whenever my course does not please you, *resign*, or ask the department, through me, officially, to correct my decisions. Your letters will thus be addressed to my superior in effect, and we can appear together at the bar of a common ruler. I will send forward the letter now before me, because I desire the secretary to set you aright as to the duties and privileges of your position, and especially as to your proper demeanor officially towards me.

I am, &c., &c.,

HUMPHREY MARSHALL.

To PETER PARKER, Esq.,
Secretary and Interpreter to the Legation of the United States of America in China, at Canton.

—

Mr. Forbes to Mr. Marshall.

CONSULATE OF THE U. S. A., CANTON,
July 18, 1853.

SIR: Owing to the withdrawal of capital from trade, and the prejudice of the Chinese against any coin not Spanish, our commerce has suffered greatly, and the pressure on trade, generally, is severely felt by our merchants in common with all others. Under these circumstances, I felt it my duty to make every effort to remove the obstacles in the way of Mexican dollars as currency; and I consequently addressed to the viceroy of this province a note, of which the enclosed is a copy, by which you will observe that I have pressed upon him the advantage of making the Mexican dollar current upon the same terms as Spanish.

The pressure for money being equally felt by the Chinese, they are disposed to do anything which will tend to facilitate exchanges, and make money more abundant.

The moment, therefore, appears to be favorable for effecting a change in reference to Mexican dollars, and the urgency being great, I trust you will approve of my course—more especially as the British consul proposes also to address, in a few days, a note to the same purport as mine.

I have the honor to be your obedient servant,

P. S. FORBES,
United States Consul.

To the Hon. Col. MARSHALL,
Minister Plenipotentiary of the United States for China, Shanghai.

The consul of the United States of America has the honor to address his excellency, and to state that for many centuries Spanish dollars were made with a certain effigy upon them, and that so many had been brought to China, that the mark was everywhere known, and that these dollars were received and understood throughout China.

For many years, however, the manufacture of these dollars has ceased, and they have become so scarce, that none are now to be found in Europe or America; consequently, when merchants wish to send money to China to purchase silks and teas, they find it impossible to procure coin of the stamp known in China, no such coin being now made; there is, therefore, great difficulty in paying for the teas and silk, and commerce suffers, to the detriment both of the foreign and Chinese merchants.

It so happens, however, that instead of the old Spanish dollars, there is now made a coin of equal value and weight, having an equal quantity of pure silver; in fact, the same in every particular, excepting that the effigy is changed, and instead of the head, there is a bird, or some similar device. This coin not being well known among the people of the country, they have doubts about it, and fearing to be mistaken, they do not readily receive it. There are many of the tea men, however, who are ready to receive; but the shroff shops, finding it profitable to themselves, do all they can to discredit the coin, as they can then buy it at less than its real value.

Now, if his excellency would consent that this coin should be received on a par with the Spanish dollar, it would tend to give it currency, and by so doing would make money more abundant, facilitate payments for teas, and induce the foreign merchants to bring the coin to China.

His excellency would thus confer a benefit on the tea merchants, and on trade generally, &c.

[Official—No. 27.] LEGATION OF THE U. S. A., SHANGHAI,
August 26, 1853.

SIR: I have the honor to enclose a letter I have received from the viceroy, (E,) communicating the imperial acknowledgment of the reception of my credentials, and my reply.

This is the first exhibition of the courtesy of a public acknowledgment of a foreign representative *by the Emperor*, unless he came or was accepted as a tribute-bearer. In this case my attention has been called to a change in the Chinese character employed. It has been uniformly the mode to address every one by the employment of a character which signifies "instructions from above," or the address of a superior to an inferior; in the edict communicated to me, that character has been substituted by one which signifies "it is decreed," or "be it known;" making this very similar to the proclamations by which the President acknowledges foreign consular representatives. *I* am not able to distinguish between the characters; but they who understand the language of China, and the former customs of the court, regard this change as

significant of a desire to be very courteous, if it does not mark *actual progress.*

In view of Mr. Webster's instructions to Mr. Cushing, (despatch May 8, 1843,) I considered it most prudent to qualify my satisfaction with the manner of the Emperor's acknowledgment of my official character, by the suggestion that the President might require an answer to his letter over the imperial signature, according to the terms stipulated in the treaty. It might not be amiss to practice extreme punctilio in the intercourse with a sovereign who so reluctantly abandons the idea of superiority, and the forms by which a sense of it has been heretofore exhibited. The association of the name of the intendant of circuit at Shanghai with that of the viceroy as a party to the official interview with me at Kwanshaw, *may* have been designed to interpose that officer hereafter as an intermediary in official correspondence between the viceroy and the Commissioner of the United States. As attempts of this kind are constantly made by high Chinese officials, I have alluded to it in a manner void of offence, but so direct as to repulse any repetition of an endeavor to institute official correspondence between me and any officer of subordinate rank in this empire.

The President will perceive that the Emperor yet declines a visit from the Commissioner of the United States to his capital, under the polite assurance that an audience is not necessary to establish his confidence in my sincerity. This postponement of the reception of the Commissioner is not surprising, under all the circumstances. I am entirely convinced, that had my views been carried out last spring, when a conjuncture of circumstances favored a visit to the mouth of the Peiho by a national ship, I should have been received at Pekin by his Imperial Majesty with due consideration for my official character, and without hesitation. I am consoled by a consciousness that no effort on my part was wanting to have the experiment made, and that the failure to improve the terms of intercourse between the United States and China, by establishing the official residence of the Commissioner *at Pekin*, will not be attributed to indifference or negligence on my part. I cannot, however, disguise my deep regret that the opportunity was lost, and, as the sequel proves, for the attainment of no other immediate advantage to the United States elsewhere.

The imperial declaration of my right to communicate with China from Shanghai, connected with the requisition that "the rules of intercourse will remain as heretofore," leaves something doubtful as to the meaning of his Majesty. If the imperial commissioner is the only officer through whom the foreign affairs of the empire will be managed hereafter, (as heretofore,) and he continues at Canton, the question remains to be considered whether it will be best for the American Commissioner to correspond with him from Shanghai, trusting to the future to reveal some opportunity of opening a direct communication with the court at Pekin, or to fall back again upon Canton, and to revert to the usages of my predecessors. There are many considerations which persuade to the adoption of the first branch of the alternative: 1st. The geographical relations of Shanghai to the richest valley in China, and the great cities of the plain. 2d. The greater proximity of Shanghai to the city of Pekin. 3d. The health enjoyed at Shanghai—the

superior salubrity of its climate to a citizen of the United States. 4th. The intimate connexion of Shanghai with American trade, and the rapid advancement it has made as a market for imports and a shipping point for exports. 5th. The amicable temper of the population, and entire freedom of locomotion allowed to foreigners at Shanghai, contrasted with the hostility of the Cantonese and the small space to which all foreigners are confined at the southern city.

The Commissioners have never resided *at Canton;* they have always lived in Macao. That is now a *Portuguese colony;* the United States so recognise it to be by accrediting a consul to that port whose *exequatur* issues from Lisbon. To reside in Macao is pleasant, but that is not to live *in China,* and it appears to me to be proper for the Commissioner *to live in China.* The French and Spanish ministers have always resided at Macao, as well as the United States Commissioners; but it is only for the sake of convenience in procuring accommodations for a family which it is impossible to have in Canton.

I learn that the British and French ministers will visit Shanghai next month, (*they* have the means of visiting the ports whenever the public interest calls for their presence,) and I will confer with them upon the policy of concentrating the foreign legations at Shanghai. If the rebellion proves successful, (and it certainly promises to be,) the new capital will be at Nankin, within twenty-four hours of Shanghai by steam. There can exist no doubt of the ability to stipulate for access to Nankin in the event supposed, and a residence at Shanghai offers the best position for acquiring a correct knowledge of the movements at Nankin at the present moment. I know of no consideration to the selection of Canton but the convenience of greater proximity to the present imperial commissioner. It is not improbable, however, in case the other legations determine to continue at the south, that I also may repair to Macao at the close of the summer, or before winter commences at Shanghai, to await the communication of your views on the subject.

I am gratified to be able to state that the objections and suggestions I made on the subject of the "land regulations for Shanghai" have one and all been adopted by the consuls; and the code appears to me now to be unobjectionable. They have been submitted by the British consul to Sir George Bonham, who is expected to address the other representatives as to the propriety of adopting them. The French minister has signified his desire to abandon the "concession" to the French, and to become a party to the general code for the government of the foreigners at Shanghai. As this code has no reference beyond the manner of acquiring and transferring real estate, the means to secure public ways, wharves, and jettees, and the guards to secure good order within the settlement, I can see no reason to object to its adoption as the common law of all western nations at this place, which each reserves the right exclusively to enforce upon its own subjects or citizens. The features of the assessment of taxes for municipal purposes by the body of the people themselves, and the execution of public works by a committee elected by them and responsible to them, are sufficiently democratic to be unobjectionable to me, if they are agreeable to others.

The code is of great importance to the residents here, and has a bearing upon the future of Shanghai, which you will appreciate with

out further comment by me. I have succeeded in pruning it of many very objectionable passages on the score of public policy, and I hope that now it may meet your sanction. When it has taken the final form under the discussions with the Chinese imperial commissioner, I will submit it to the President again.

The movements of the rebels confirm the opinion I have heretofore expressed as to their intentions. On the 18th of July, 3,000 of the imperial troops deserted in a body to the rebel camp near Chinkiangfoo.

I learn, from a report by the treasurer of this province to the cabinet at Pekin, that the gross number of the imperial army employed at present *in this province* is 70,000, to wit: Heang-Yung's army, 17,000; Keshen's army, 17,000; Hung-Ching's army, 11,000. These are Chinese. The Tartars have in the field, under various leaders, 24,300 men. The Emperor says he is collecting 100,000 picked men *(for the defence of the capital)* from the country beyond the great wall. If they prove no better than his armies in this province, his throne rests upon a very insecure foundation. You may imagine the respect the rebels have for these armies of his Majesty, when you are informed that, while Nankin is surrounded, the rebel chief detached a column for the north from Nankin, and sent one into Kiangsi at the same time. The last is now said to be employed *in gathering the new rice crop* for transportation to the public granaries *at Nankin.* The rebels have advanced to Shansi, and gradually approach the capital; but I hear of no decisive battles.

The Saratoga is safely in dock at this place.

I am, most respectfully, sir, your obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. Marcy,
Secretary of State.

P. S. It may not be uninteresting to mention that Shanghai, though apparently tranquil, is *now* the theatre of action for a strongly-organized band of men, who nightly commit robberies and murders in the midst of the city or in the suburbs, and who openly defy the public authorities. I am privately informed that this band at present numbers 3,000 men, and is daily increasing by the arrival of confederates from other localities. Whether they will finally prove to be *regular rebels* or a band of mere plunderers and murderers, remains to be seen; but they certainly *invite* a collision with the legally-constituted public authorities, which the latter as certainly decline. They have communicated to foreigners here, through certain channels, that, in case of a collision with the city authorities, it is not their purpose to molest foreigners; but what confidence may be reposed in such assurances is exceedingly questionable. Had I the power, I should provide against all such contingencies by the presence of a naval force competent to protect American citizens in every event. Should the Saratoga's repairs be completed before an outbreak, her guns would be sufficient for the purpose.

I send, also, the close of the correspondence with the secretary of legation.

Respectfully, &c., H. MARSHALL.

E, a president of the board of war, right censor of the censorate, governor of Kiangnan and Kiangsi, and a superintendent of the revenue, makes this communication:

On the 28th day of the 4th month, (July 4th,) I, the governor, together with the intendant of circuit of Shanghai, had an interview with your excellency at the public rooms of Kuān-shan, when I perceived that there was (on the part of your excellency) an entire uprightness of purpose and a desire to maintain permanent friendly relations, while your language was that of truth and sincerity. I immediately made such a communication as the occasion called for, and sent a suitable officer to the capital to present the national letter delivered to me in person. That officer returned on the 5th day of the current month. (August 9th.) The imperial despatch of which he was the bearer was to the purport that—

"His Imperial Majesty understood that the Ruler of the United States of America had specially deputed a great minister, Humphrey Marshall, to come hither; and that he was the bearer of a national letter, the contents of which were to the effect that the integrity, talents, and capacity of the said great minister are equal to the discharge of high responsibilities, and that in his own country entire trust and confidence are reposed in all that he says and does. By this it is evident that there is a sincere purpose of maintaining friendly relations. Now, that beautiful country, though remote and separated by oceans, (from this,) has ever respected courtesy and justice (in its intercourse.) The said great minister will himself be able to observe carefully the treaty. In accordance with previous custom, intercourse may be carried on at Shanghai. It will not be necessary for him to come to the capital to obtain an audience in order that his integrity and sincerity may be known."

I, the governor, with the intendant of circuit of Shanghai, have been specially commanded to communicate the above to your excellency. I, the governor, therefore, in accordance with the command which has been sent down, now make this communication to your excellency. The conduct of our respective countries has hitherto been regulated by integrity and sincerity, and entire confidence has been maintained between them. The rules of intercourse may remain as before, only let the treaty be carefully observed. Besides the one to the intendant of circuit of Shanghai, it was necessary to make this communication.

To MARSHALL, *Minister Plenipotentiary and Commissioner to China from the United States of America.*

The third year of Hienfung, the 6th day of the 7th month, (*August*, 10, 1853.)

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Humphrey Marshall, Commissioner of the United States of America, &c., addresses E, governor-general of Kiangnan and Kiangsi, right censor of the consorate, president of the board of war, &c., &c.:

I have the honor to acknowledge a letter from your excellency dated sixth of the current month. It communicates intelligence of the recep-

tion of the letter from the President of the United States by his Imperial Majesty the Emperor of China, which I delivered to your excellency at Kuān-shan on the 4th of July last.

I am impressed by the favorable expressions regarding myself which it has pleased his Imperial Majesty to employ in receiving my letter of credence as the Commissioner of the United States; and I assure your excellency that your own generous confidence in my ardent desire to promote the good understanding of our respective governments, does not exaggerate the sincerity with which the sentiment is entertained and expressed. On my part, I desire to assure your excellency that I was most highly gratified with my reception at Kuān-shan, and with the most respectful deportment of the people of that city, all of which I have duly made known to the President. The promptitude with which my powers and position have been acknowledged by your sovereign, adds to my gratification; and my satisfaction would have been complete had his Imperial Majesty acknowledged the reception of the President's letter in an answer over the imperial signature, which I could have transmitted directly to the President.

Convinced, as I am, that his Imperial Majesty would feel no reluctance in corresponding directly with the President on those terms of friendship and perfect equality which are stipulated by the treaty, I have not felt that any necessity has arisen to make a special objection to the apparent deficiency in this particular, because I know the sentiments of friendship for China which animate the bosom of the President of the United States are too sincere and strong to take any exception upon a matter of mere etiquette, unless it may not be overlooked with propriety. If the custom established in a former reign—by the answer returned to the letter of the King of England by Lord Macartney—is reviewed, I am persuaded that if there is a propriety in answering the letter of the President directly, it will yet be observed in such form as will be entirely acceptable, and will serve to confirm the friendship of China and the United States.

Your excellency will be pleased to notice, that regarding you alone as the person with whom my official interview occurred at Kuān-shan, I have not received through any other source information of the edict of the Emperor, nor do I deem any other medium than your excellency necessary. There are conventionalities in the intercourse of the representatives of sovereign States which must be strictly observed to avoid misunderstanding.

Wishing your excellency health and happiness, and promising myself great pleasure from my future official intercourse in the transaction of public business with the high ministers of your country,

I remain, &c., &c.,

HUMPHREY MARSHALL.

—

Mr. Parker to Mr. Marshall.

CANTON, *August* 16, 1853.

SIR: I have the honor, if such it may be considered, to be in receipt of your communication of the 2d of August, and hasten to reply, not in

a controversial spirit, but in the spirit of candor and truth; and if, for a moment, in this spirit you have sincerely supposed I have cherished a desire to involve you in a dispute, permit me in all frankness to disabuse your mind of so unfounded and unjust an impression. The facts of the case are these: You had broken the seal and opened a despatch to my address from the Department of State. The contents of that despatch you communicated not only to mutual friends at the north, but did the same in a letter to Canton; the disclosure of its contents I regarded as subjecting me to embarrassment and detriment. I *felt aggrieved*, and without the slightest intention to stigmatize, with "due deference" expressed to you the light in which I honestly regarded it, using language in its common import. To avoid even the semblance of a controversial spirit, I shall notice only such parts of your communication as justice to both requires. I perfectly concur with you in the impropriety of a "regular line of correspondence with the secretary of legation," &c., and that no Secretary of State would institute such; and probably the honorable Secretary of State never conceived, for an instant, that his reply to me upon a subject of personal concern was open to such a construction.

You ask by what authority I would record "the correspondence." I was under the impression that I was bound so to do by my instructions received from the Secretary of State at the time of my appointment. But on referring to them I find—and in the spirit of candor I would ever cherish, admit—they do not require it, although it has been the practice to preserve copies of all official papers, or their originals, both to and from the legation. The communication I had the honor to address to the Secretary of State, Hon. James Buchanan, accepting the appointment as secretary of legation and Chinese interpreter, and dated, I think, in January, 1846, will probably be found in the State Department, and of the tenor I have mentioned. The copy preserved here I have reason to apprehend was lost, with many valuable papers, at the time of my shipwreck in May last—as I am unable to find it—or a copy should be furnished you.

You do me the injustice to allege that I regard my public office as merely auxiliary to my chief pursuit, and by implication, if I rightly understand your expression, accuse me of making pretensions beyond my actual attainments. To these charges I will reply, simply, I was appointed to the offices I now hold at the instance of his excellency Caleb Cushing, after having served as joint Chinese secretary to the legation during his excellency's mission to China, and the negotiation of the treaty which has reflected so much honor upon its able negotiator, and secured such benefits to the United States and other governments. The appointment was *spontaneous and voluntary* on the part of the government. My relations, personal and official, to all your predecessors, have been most harmonious and agreeable, as I have ever desired they may be with you. Repeated have been the testimonials of the Chinese high authorities as to the fidelity and manner in which my duties have been discharged; and it has been my high gratification to receive the assurance of the President of the United States, commendatory of the manner in which I have discharged my duties in all the capacities in which I have been permitted to serve the government;

nd these assurances have been repeated under successive administraons.

In the instructions to which reference has been made, it is stated, in the official and private intercourse between them, (the minister and ie secretary,) whilst it is one of the first duties of a minister of the Jnited States, or of any other country, to observe a *courteous*, frank, nd kind demeanor towards the secretary, so, on the part of the secreary, it is no less a duty to fulfil, with alacrity and promptitude, in the est manner that he can, the general and occasional instructions of the ninister in relation to the affairs of the legation, and to maintain in his ntercourse with him a constant observance of all the exterior marks of respect and deference prescribed by the rules of politeness and good breeding; without servility, however, on his part, or any compronise whatever of the respect which he owes to his own character."

By these rules, not more from respect to the authority that laid them lown than from the promptings of my disposition, have I been most conscientiously guided during nearly a decade of years.

You incidentally express your conviction that the public interest was not consulted in retaining the legation at Canton. If foreign representatives can obtain a residence at Pekin, undoubtedly the interest of both the Chinese and western nations will be greatly enhanced thereby. But so long as the only imperial officer charged with foreign affairs resides at this city, it may be a question whether, on the whole, Canton may not be preferable to either of the other free ports; and the fact that all the other diplomatic representatives are residing in the south, would seem, in their judgment, to decide the question affirmatively, as, in your experience, there must be delay and impediments in the way of your residing at Shanghai, and corresponding with the imperial commissioner at Canton. But these are mere suggestions, respectfully submitted.

With sentiments of distinguished consideration, I have the honor to remain, sir, your excellency's obedient servant,

PETER PARKER,
Secretary of Legation, &c.

His Excellency HUMPHREY MARSHALL, *&c., &c.*

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LEGATION OF THE U. S. A., SHANGHAI,
August 26, 1853.

SIR: Your official note of the 16th instant renders it my duty to say, that in my former communication to you it was not my purpose to institute any comparison between your scholastic pretension and attainments, or in anywise to canvass your qualifications for the office you now hold by appointment from the President. Having heretofore conceded your privilege to arraign my conduct before the proper tribunal, my intention was made plain to repel any assumption of the right to stigmatize my action by the employment of harsh epithets addressed to me—no more. I accept your general disclaimer, and find your letter of the 16th in better accordance with the spirit which should characterize our correspondence. In closing the particular topic on which

this correspondence originated, I avail myself of the occasion to express my hearty concurrence in the propriety of the rules which Mr. Webster dictated for the regulation of the intercourse between the members of a legation, and I am not sensible of any violation of their spirit on my part. The cultivation of respectful and kind relations with all around me is my aim, not only from a conviction of duty, but in response to my natural disposition.

I am, respectfully, your obedient servant,

HUMPHREY MARSHALL.

PETER PARKER, Esq., &c., &c., &c.

[Official—No. 28.] LEGATION OF THE U. S. A., SHANGHAI, *August* 30, 1853.

SIR: The enclosed letter, purporting to be the viceroy's account of my reception at Kwanshaw, has been handed to me by an eminent merchant, who says that it is communicated to him from a Chinese correspondent in whom he has perfect confidence, and that there can be no doubt of its genuineness. Having no responsibility for the manner of its procurement, not knowing even the name of the correspondent of the gentleman, I have not felt inclined to make any use of a letter evidently acquired surreptitiously; but, at the same time, it may be proper to place it before the President for his inspection, because it exposes the view taken by the Chinese of the positions of parties, and proves that both the Emperor and his viceroy perfectly understand that their reception of foreign representatives is *not* placed on that basis required by the equality stipulated for in the treaties. The impression made by me personally seems to have been sufficiently agreeable; and the suggestions from the intendant of circuit, as to the place of my reception, appear to have rested not so much upon an indisposition to honor *me* by a distinguished compliment, as upon a fear that the same might be expected by the representatives of other nations.

The argument against my reception "singly" at Pekin—the evident inclination to hold the United States at bay, so far as it can be done without incurring responsibility—taken in connexion with the assertion against the policy "of raising the forms of international intercourse," will arrest attention. They afford abundant evidence, when viewed in connexion with the rescript issued by the Emperor on this occasion, that, had I been conveyed to the mouth of the Peiho, the apprehension of a disturbance would have insured my reception at the court.

The opening of the President's letter by the viceroy and taoutae, so soon as I retired from the interview at Kwanshaw, must convince you, that so long as the forms of intercourse remain on the present footing, no question of policy can be opened with the court at Pekin to which the provincial authorities are opposed. The officers who so boldly opened the President's letter would have suppressed it, or have given it a false direction, had its contents been in any degree unwelcome to them. One letter of mine had already met that fate.

In addition, I will state that my sojourn at Shanghai gives manifest uneasiness to the Chinese mandarins. I saw to-day a letter addressed

to the consul by the intendant of circuit on the subject, of which I send you a copy. I directed the consul to decline acceding to the request of the taoutae, on the ground that if the viceroy had any communication to make to me from the imperial commissioner at Canton, or on his own account, his address to me should be direct, and not through a subordinate officer, and that he (the consul) would incur my displeasure by becoming a party to the attempt proposed. The letter, as you will perceive, virtually orders me out of these provinces. But I have no idea that his excellency the viceroy would address me directly, according to the tenor employed by him in writing to the intendant. Should he venture to do so, I have full reliance upon my knowledge of the means of self-defence.

This strong desire to draw me back to Canton is the best evidence that the Chinese *feel the advance I have made towards Pekin;* and it settles my determination to hold Shanghai as *a residence*, unless otherwise instructed by the President. It will be the policy of the British minister and merchants to have the American Commissioner drawn back to Canton, since the colony of Hong Kong will require the residence of the British minister at that place. They view with uneasiness the settlement of the United States Commissioner at a point eight hundred miles nearer to the capital of the empire than *they* occupy. But all these facts increase my conviction of the policy of *adhering to my present position*, as not only offering increased chances of opening in the future a satisfactory intercourse from this place with the Chinese authorities, but of observing the movement of the rebels near Nankin, and of availing myself of the earliest opportunities to seize any advantages the chapter of events may offer for the benefit of my country.

If the Chinese imperial authorities should undertake to deny me official intercourse from this point, the Pekin question would then be relieved of difficulty, because my right to demand access to the court itself would be patent.

In a word, I think there will be no difficulty in establishing diplomatic intercourse on a satisfactory basis whenever China shall be convinced that the United States are determined to place their minister at the imperial court; and he will be kept away until that determination is manifested and acted upon. The viceroys, who seem to have *their courts* also, will interpose *their* subordinates to prevent the access of the minister to them, if he will permit; and so he will feel he shall be brought into contact with officers of very subordinate rank and limited jurisdiction. As an American citizen, observant of the tendencies of the policy of the Chinese mandarins and of the true policy of the United States, I have no hesitation to express my decided opinion that the government of the United States should require such a reception of its diplomatic representative as shall impart a sense of equality, and the practice of the highest courtesy by this government. I discharge my public duty in advancing this opinion, which has been formed after seven months' study of this people, and of the action of this government. In any other country, under similar circumstances, I would advise the withdrawal of the Commissioner altogether, until the United States are prepared to enforce his reception at the court to which he is accredited; *but, in this country*, such a step would be exactly what

the mandarins and Emperor would hail with pleasure, as crowning their own policy with full success. The preservation of the commerce between China and the United States will be the leading consideration by which the action of government will be directed. It is my opinion that more advantages will result thereto by a prompt and decided step to compel China to observe the faith of the treaty according to its true spirit, than by seeking to win our way by gradual approaches.

I am your very obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

The memorialist presents a respectful memorial. He memorializes for the information of your Imperial Majesty, and, looking upward, hopes for the sacred glance.

He would humbly state that there is already on record a memorial, forwarded by him at an earlier date, announcing that Marshall, envoy of the United States of America, had prayed to present a letter from his State, and had begged for an interview with the memorialist, who, finding that his request was in accordance with what is laid down in the treaty, had acceded thereto.

On the 22d of the 5th moon, (28th June, 1853,) in consequence, your slave commenced his journey from Chang-chow-foo, and on the 25th (1st July) arrived at Kuān Shan Héén, in the prefecture of Loo-Chow, where he was received by Woo-keen-chang (Samqua,) taoutae of the Loo-sung-tae circuit.

That officer stated, that, inasmuch as the above nation had never been troublesome and the barbarian chief in question was not himself arrogant or imperious, there would have been no objection to proceeding in person to Shanghai to have an interview with him; but as it was to be apprehended that other States would improve upon the precedent, and come forward, many and mixed, soliciting similar interviews, to glorify themselves in a reception by a new governor-general, as it would thus be difficult to avoid delay, even if nothing more serious occurred, while on the other hand it was but too probable that some difficulty might arise, it would be most advisable, in his opinion, to desire this chief to come to Kuān-shan, where your slave was, to see him, and so make an end of the matter. Your slave, with careful thought, reflecting that the words of this taoutae are in all cases most apposite, and that were it not for his thorough insight into barbarian sentiments he would never have uttered the above, immediately sent off an official reply, and as soon as it was gone directed the taoutae to despatch a messenger to communicate his intentions to the chief.

Upon the 28th of the moon (4th July) the taoutae brought the chief to the public hall, in the city of Kuān-shan, to have his interview. The papers presented by him—viz: a State letter upon barbarian affairs, and a Chinese translation of it—were both close-sealed. He presented them himself, and, after a short interval, withdrew. His language and de-

eanor were respectful notwithstanding.* The taoutae also brought r the perusal of your slave the copy of a rough draught of the transion, the wording of which was in no respect at variance with the eaty; but as it was impossible to know what there might be in the aled despatch, and your slave would not have dared to forward it the truth, he and the taoutae, as soon as the chief had retired from e public hall, broke open the close-sealed Chinese translation and mpared the writing of the two; both, however, agreed perfectly.

Prostrate, your slave reflected (observed) that the letter presented by e chief, to be forwarded to your Majesty, was quite in accordance ith those rules which were at the commencement submitted to your ajesty and decided on. The State having relieved their envoy, desired, fore the new one came to reside, to convey his name and surname wards† to the celestial hearing its entreaty for a continuance of amity d of trade, as usual, were not either matters of great moment. The ly important passage in the letter is that which states that orders d been given to the envoy to obtain an audience of your Majesty. his, as no permission has ever been applied for or obtained on the subct from the throne, and as nothing relating to it is laid down in the eaty, can hardly, it would seem, be acceded to.

In the case of the outer foreigners, under the jurisdiction of our court, e ministers of the different States—of which each has a particular ear for the presentation of its tribute—on their arrival at the capital, e all first exercised in the ceremony of paying homage on their knees. pplication is then made to the throne to fix a time, and orders are ven for their introduction into the presence, with the rest of those who e included in the same tour of presentation with themselves. There no precedent for their admission *singly* to an audience.

Again: the United States never having been subject to our governent, claim, in short, a footing of equality. The language of their tter, it is true, is not very unbending; but it does not appear, on the ther hand, to be profoundly humble. When Yay Sang stood upon its reatness, China was not equal to a discussion with it.‡ Could the nited States be treated as one of the outer dependencies, where such eatment might give rise to some fresh trouble? No. Still less would be expedient to raise the forms of intercourse above what they are at, resent, and thus beget an ambition which would increase for distincons of this sort. It remained only to recommend the envoy to adhere bediently to the treaty—to continue trading as of old agreed to—to the nd that there might be peace between us; and to remind him that, as ere was no occasion for this far journey northwards, he might spare orses and carriages, (or chairs,) and, at the same time, save himself a ng delay.

But your slave, not venturing to be the first to declare these particurs to him, and with the purpose of making him understand that all the fairs of the court were settled by the individual decision of your lajesty, and that none of your servants would venture on officious inrference, confined himself to replying, as he received the letter, that

* The particle means: "Still, notwithstanding what might have been anticipated."
† Upwards, *as to a superior.* ‡ Historical allusion, not very well translated.

it should be forthwith presented to the throne for him; and he desired him to return to Shanghai and wait quietly for a reply, but did not allude to the contents of the letter.

Your slave now renders for the imperial perusal, with all reverence, the State letter presented by the chief, and the Chinese translation. He respectfully awaits the decision of the imperial mind as to whether an answer shall be bestowed upon the nation or not, and if an answer is to be given, what the wording of it shall be.

Your slave's obscure opinions, be they right or wrong, it is his duty to lay before you reverently in a memorial. Prostrate, he begs your Majesty's sacred glance thereon and the manifestation of your will.

It is his duty to add that, on the 29th, (5th July,) he commenced his journey from Kuān Shan Héén and on the 2d of the present moon returned to his quarters at Chang-Chow. E, &c.

1. The word rendered chief in the above, [Chinese character] yea, is the historical term for the chief of a tribe or horde. Sir J. Davis is so styled in an unpublished memorial of Keyings, upon the expedition to Canton, in April, 1847.

It is rumored that a rescript has been received to the effect that Eliang has orders to make satisfactory arrangements.

2. There appear to me one or two omissions in the text, which are, however, in the main, consecutive.

TRANSLATOR.

Woo, the intendant of circuit, provincial judge, &c., makes this communication:

On a former occasion, I, the intendant of circuit, received orders, with a communication from the governor-general to the Commissioner Marshall—the same I have sent to you for presentation.

On the 22d of this moon (August 26) I respectfully received a letter from the governor-general, which states that on the 29th day of the 6th moon, this year, (August 3, 1853,) he received a communication from the imperial commissioner and governor-general of the Two Kwang, with an acknowledgment of the receipt of the letter from Mr. Marshall, the Commissioner of the United States of America, to the prime minister, and the statement of E, that he did not know whether it was right or not to prepare a document; wherefore, he forwarded it for examination, &c., &c.: "I, the minister, examined the record, and found that from the departure of Mr. Davis, the former Commissioner of the United States, on or about the 4th moon, of the 30th year of Toonkwang, to the 12th moon of last year, the Commissioner Marshall is the first to appear in Canton to manage the duties of a commissioner. I also had received a note from Commissioner Marshall, stating that he had a national letter to present, and desired me to fix a day for a personal interview, &c., &c. But it was a pressing time, when I, with a body of troops, was defending the boundaries between the Two Hoo and the Two Kwang, at Lew Chow. Pih, the governor of Kwang-

tung, returned him an answer, requesting him to wait until I returned to Canton, and then arrange an interview. After this was sent, I understood Commissioner Marshall conveniently went to Shanghai. All these occasioned the present proceedings. The letter to the prime minister from the Commissioner Marshall, which you sent me, I had already prepared a memorial with the same, and respectfully forwarded them for the perusal of the Imperial Majesty.

"I forward herewith a copy of the memorial, and requesting your excellency to instruct the taoutae of Shanghai to entreat Commissioner Marshall to return to Canton, for there is no necessity for him to tarry in the Kiang provinces long. Earnestly hoping, &c., &c.

"The above came to me with a copy of the memorial; and after the receipt of this, it is right to give instructions to the taoutae, that he may obey this by conveniently entreating Commissioner Marshall to return to Canton, for there is no necessity for him to tarry in the Kiang provinces long. This is very important. Do not disobey this last and special instruction, &c., &c."

After respectfully receiving the above, it is competent for me to communicate it to you, the honorable consul, and pray you to examine this communication, and entreat the Commissioner Marshall to return to Canton, for there is no necessity for his excellency to tarry long in the Kiang provinces.

A special communication.

HIENFUNG,

3d year, 7th moon, 22d day. (*August* 26, 1853.)

EDWARD CUNNINGHAM, Esq.,
Vice-Consul, &c., &c., &c.

[Official—No. 29.] SHANGHAI, *September* 7, 1853.

SIR: I write for the single purpose of announcing to the President that Shanghai has fallen.

This morning, about four o'clock, the insurrection occurred. At that hour the mandarins were to worship at the altar of Confucius, in the city, this being the birthday of the Chinese philosopher. Crowds of people began to traverse the streets, and they bore red turbans on their heads, or red scarfs about their waists, or some red badge attached to their dress. Very soon an assault was made upon the yamun of the chiheen, or district magistrate, and that officer was assassinated in the door of his house, falling under several sabre cuts over his brow and head. As there were American missionaries, men and women, resident in the city, I determined to enter the city in person, so as to lend them whatever protection I could afford to them, and to observe the progress of the insurrection. I arrived at the chiheen's yamun about seven o'clock this morning, just when the populace were busily engaged in rifling the yamun of its furniture and contents. The bare walls of the establishment, and the dead body of its unfortunate master, were all that were visible in a very brief space. While I was at this yamun, I learned that the yamun of the taoutae was in possession of the insurgents, and that the taoutae had surrendered, but that his life had been

spared. Very shortly after this, a crier, beating on a gong, passed me, proclaiming that the city was surrendered to the new chief, who had directed the assault upon it, and that all attempts at pillage and violence should be repressed and summarily punished. A guard assailed the plunderers who were bearing off on their shoulders the furniture from the yamun of the chiheen, and they broke up the furniture in the street, at the same time proclaiming the orders to shoot or behead all thieves and robbers caught at acts of violence. I considered the overthrow of the city as effected by 10 a. m., and I returned to my quarters.

About 11 a. m. I received a message from the provincial judge, requesting me to send a hundred men to rescue him and his family from the mob, who had surrounded him in his own yamun.

As it was my determination to preserve the same neutrality and non-intervention that I have constantly pursued, it was of course impossible to comply with this request of his excellency, though I would have afforded him protection *on board an American ship* had he succeeded in reaching it, and had asked for permission to protect himself under the ensign of my country, after abandoning the contest for power and empire. I thought humanity required me to make an attempt to save this officer and his family from the fate which had overtaken the chiheen. I sent a messenger into the city with orders to see the chief of the insurgents, and to learn from him whether the taoutae was yet alive, and at what hour I could have a personal interview with the chief himself. He replied that it was impossible for *him* to come out of the city, but he would see me to-morrow at 11 a. m. in the city. Such an interview I declined promptly. This evening, about 7 p. m., the chief, attended by an aid-de-camp and escort in rebel uniform, called on me at the American consulate. He informed me that the taoutae was yet alive, but in the city, and could not be permitted to come out to-night; that he would save his life if he could, and would obtain his liberation to-morrow, if possible. He said the wish was very general that the taoutae should join the insurgents, and that he would be left, in that case, as governor of Shanghai, while the troops would march on the city of Suchow; but if he would not join, *he* could only answer that every effort would be made to spare his life, and that the result should be announced to me to-morrow at 12 m. by his aid-de-camp.

I impressed on him the necessity of observing peace towards the citizens of the United States in the city and suburbs, if he wished to avoid collision with the public authorities of the United States. This he comprehended, and absolutely pledged himself to carry into faithful practice, promising to place a special guard over the missionary residences in the city for their protection.

He promised to abstain from any attempt to collect duties on imports or exports at present, and until government shall be more firmly established; then only after due warning to the foreign authorities in China.

He informed me that his force was under the command of the taipingwan at Nankin, with whom he is in communication, and by whose consent this insurrection has occurred.

My messenger tells me, that when he was introduced to the presence

of this chief to-day to deliver my message, the scene beggared description. Bloody men were fighting with each other, and drinking to excess of the rich wines from the cellars of the taoutae. The mob or populace have had free access to liquor during the day, and are much excited by excess of drink. I hope for the best, though, amid scenes like these, sufficient for the day is the evil thereof.

The Saratoga is out of dock and in repair, but yet dismantled. No other vessel-of-war belonging to the United States is here. The Saratoga will get her guns aboard as soon as possible, but at the present hour she is useless for defence. Her commander has, however, promptly offered his men for any emergency that may arise, and in every way conducts his office appropriately, and with becoming spirit and good faith, towards the interests of his fellow-citizens in China.

I have only time for the vessel which leaves to-night. It is now late at night; occasional musketry is heard inside of the city. I will write again in a day or two.

I am yours, very truly, &c.,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

[Official—No. 30.] LEGATION OF THE U. S. A., SHANGHAI,
September 15, 1853.

SIR: I informed you per my despatch of the 7th of the overthrow of the imperial authority at Shanghai. On the evening of the 7th I had an interview with the rebel chief, the account of which I gave you.

The insurrection was guided by two chiefs, and the insurgent forces consisted principally of men from Canton and Fokien—each provincial corps electing its own *general.* These met in council on the night of the 7th, and a quarrel arose between the clans on questions relating to the spoils, the lives of the taoutae and his family, and the relative rank of the chiefs themselves. The Fokien chief (Le) insisted on plunder generally, on a sacrifice of the taoutae and his family, on the chief command, and on the taoutaeship for one of the Fokienese. These demands were all rejected by the Cantonese leader (Lowayew) and his party, and the Fokienese retired to their junks, declaring their determination to embark for their homes. But in the pillage of the yamun of the taoutae the insurgents had procured 228,000 taels (or about $300,000) belonging to the public revenues, and this money was now in the junks of the Fokienese. The Canton leader demanded its appropriation for the purposes of the war. The Fokien chief refused to pay over, or even to divide. After the Fokien men withdrew, the Cantonese barred the city gates against them, and informed them that an attempt by them to re-enter the city, or to sail from their anchorage before the spoils were fairly divided, would be the signal for open and direct hostilities between the factions. This was the state of parties on the 8th of September. At 12 m. on that day the Canton chief, according to promise, sent me word that his party and the people of Shanghai *desired to* save the lives of the taoutae and his family,

and that at 4 p. m. of that day he would escort them to my quarters if I would receive them under the protection of the flag of my country. Inasmuch as this was a request of the largest party of the insurgents, and in accordance with the duty I owed to humanity itself, I readily signified my willingness to accede to the proposition. But before the appointed hour arrived the taoutae, assisted by two "foreigners," made his escape over the city walls, and, all unarmed and defenceless, fled to my quarters *to beg the protection of the flag of the United States.*

I did not hesitate to assure him of it so long as he was a non-combatant, and until he could make suitable arrangements to provide elsewhere for his personal safety. Accordingly, he is now under the roof of the American consulate, by an invitation from the American vice-consul, as no proper accommodations could be afforded on board the Saratoga without great inconvenience to her officers.

The night of the 8th was passed in considerable disquietude by us all. The Cantonese and Fokienese were skirmishing several times during the night, though with inconsiderable loss on either side. The latter lost about sixteen of their men. At about ten p. m. the Canton chief sent me word that the foreigners should be on the alert, as he could not defend the foreign residences against the Chinchew robbers, (*Chinchew* is a department of Fokien province;) but there was no assault on any foreign establishments. On the 10th an arrangement was made between the chiefs to divide their territorial jurisdiction and the money, and to refer to some arbiter the question of rank between them; so that comparative quiet has been restored for several days, though the Chinese of the vicinity inform us that their new rulers are committing the most extravagant extortions from men of business; and that robbery, larceny, and arson are constantly the occupations of their followers. It is most evident that the *émeute* has utterly paralyzed the commerce of the city, and has driven numbers of the respectable Chinese to ask protection in the houses of British and American and other foreign merchants, while the Chinese crowd the roads leading from Shanghai, actually flying they know not whither from the frightful anarchy which they have left behind.

Each of the rebel chiefs has assumed the emblems of authority, and each visits the foreign consulates by turns to abuse his rival and to assert for himself the right to command. Neither has the slightest idea of government or its proper attributes; and both practice on the unfortunates who sin against *their* code the most barbarous punishments. I heard to-day of one having nailed the hands and feet of a criminal to the floor, and having kept him there until he was fainting, when he was decapitated and his head exposed to public view at the city gate. I assure you, sir, that the scenes which are hourly transpiring around me are revolting and sickening in the extreme. The supply of rice has been cut off from the city, and the poor will famish in a few days, unless they plunder from mere desperation. Each of these brigands declares himself the faithful officer of the chief at Nankin, whose *Christian advent* is hailed with such enthusiasm through the western world.

I have to regret that there is no naval force of the United States here except the Saratoga, though her commander has placed his corvette in convenient position to protect the embarkation of the citizens of the

United States in any emergency, has arranged signals for day and night with the consulate, and has a force of a hundred sailors ready to meet whatever exigency may occur. But the steamers Powhatan, Susquehanna, and Mississippi, and Vandalia sloop, are said to be at Hong Kong, Canton, and Macao.

I cannot form a conjecture as to the future; for, as I informed you heretofore would be the case in my opinion, the elements of social order are loose. The Chinese mind, springing from the long servility by which a despotism has confined it, now runs madly off into all the excesses of anarchy, and years may elapse before China will again know repose and peace.

Her future can only be conjectured; but I think it may be mirrored from the past in the history of France after the fall of the Cartovinian dynasty, or in the story of Italy after the fall of the empire—possibly, in that of France at the era of the revolution of the last century. Her people must be educated in the school of war before they will know the use of arms. Her Emperor has no army *of soldiers*, nor navy *of sailors*. His officials are corrupt and imbecile, his means are exhausted, and he is a young man whose years have been surrendered to self-indulgence. He is not fit to command, and his race must soon close. The rebel chief at Nankin has no adherents among the substantial business men of the country, or among the farmers. The revolutionists are confederates in the Triad Society, (for this organization is the life of the rebellion,) and from the lowest and the most vicious, the most desperate and depraved.

I submit a correspondence between myself and the American merchants of this place on the subject of duties. I will send the circular letter of the vice-consul which has occasioned it. I request attention to it, as my letter of 30th of May anticipated the question, but has not elicited a reply heretofore to guide my action.

The circular of the Secretary of State, forbidding the employment of foreigners in the legations of the United States, arrived through the newspapers; and I have *most reluctantly* discharged the Chinese writer, Ashing, who was so useful and so intelligent an assistant. He became apprehensive for his life, from certain hints dropped by triads to him within a few days past, and has left this place.

The vessel by which this "hasty" letter is to be forwarded is about to leave, and I must therefore subscribe myself

Your very obedient servant,

H. MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

LEGATION UNITED STATES OF AMERICA, SHANGHAI,
September 14, 1853.

GENTLEMEN: I have received your communication dated on the 12th instant, and have duly and most deliberately considered its contents with the respect due to their source.

When you attribute to me a desire to foster and protect the interests of my countrymen in this distant empire, so far as I consistently can, you accord to my conduct no more than justice; but, at the same time, I owe obligations of duty to the government of the United States, which require me to keep primarily in view the *national* in preference to any *individual* interests. Consulting my own sense of public duty, I must decline assent to that line of action which you wish to pursue in the existing state of affairs at Shanghai.

You say, that as the presence of an insurrection has driven the Chinese superintendent from his post and has destroyed the custom-house, the imperial authority no longer exists *at Shanghai;* and therefore you should be allowed to avail yourselves of all advantages to be derived from considering Shanghai as a *free port.* In other terms, that you should be permitted to import and export merchandise without paying the duties provided by the treaty between China and the United States, and without being called on *by the consul of the United States* to make any provision for the ultimate payment thereof, *when demanded by the Chinese government through its superintendent of customs.*

I understand you distinctly as intimating your disinclination *to evade* any just claim which China may have upon you in the estimation of the United States. You will therefore accept the views I shall now present as directed against the soundness of your proposition, and not against your conduct; for I am gratified to believe that, as good citizens, you will willingly conform to whatever regulations the authorities of the United States may consider proper under the circumstances.

It is an admitted maxim of the public law, that a government which permits its citizens to injure a foreign nation in its body or members, does no less injury to that nation than if the government itself inflicted the injury. Hence any action by citizens of the United States, sanctioned by the government, is the same as though it were the act of government, and mankind will hold the United States responsible for it. It is another maxim of the same public law, that "all nations are under a strict obligation to cultivate justice towards each other, to observe it scrupulously, and carefully to abstain from everything that may violate it. Each ought to render to the others what belongs to them, to respect their rights, and to leave them in the peaceful enjoyment of them." If these maxims constitute the rule when nations are not bound to each other by any special compact, how much more shall the rights of a nation be observed when there exists a special contract defining them on the one hand, and expressly undertaking to observe them on the other. The treaty between China and the United States was not sought by the former; indeed, this government entered into it reluctantly, for it was contrary to a policy long cherished as essential to the safety of the government and the happiness of its subjects. By that treaty Shanghai was opened to citizens of the United States for trade; they were permitted even to reside here with their families for that purpose, to build houses, and *to be governed by the laws of their own country.* The duties to be paid on imports and exports were adapted to the most liberal scale—much less restrictive, indeed, than in our country. For their privileges and grants the United States absolutely and unconditionally guaranteed that their citizens trading here should pay the duties prescribed by the

tariff. Penalties were provided to be imposed on the citizen who violates the law; and the manner in which China would collect the duties was prescribed. But now that manner cannot be pursued because of disturbances created by insurgents, who have so threatened the life of the Chinese superintendent of customs that he is afraid publicly to discharge his official functions. But you all know he is neither dead, nor has he left this vicinity. *The treaty is not dead;* for, if it were, I should have no business here, your country no privileges, you no safety for your persons or property. The obligations of both parties to the contract survive the invasion of Shanghai by the horde which now holds it in possession. You must accept the treaty altogether, or reject it altogether. If you may avail yourselves of the idea that the imperial authority is "non-existent here," in order to justify citizens of the United States in seizing all "the advantages of a free port" by shipping off cargoes of teas and silks, without any provision for the payment of duties, you must accept the correlative proposition, that the imperial authority is released from all liability for your protection, in persons or property, in this port. Can I ignore the Emperor and his government while I am, as Commissioner, accredited to him as the chief of the empire? Shall I observe the treaty at Canton, and violate it at Shanghai? Suppose the insurgents now in Shanghai break into your warehouses, burn your dwellings, maltreat your families, and plunder your property, *are you prepared to consent to the conclusion that you have no claim on China for indemnity?* If you want to take "*advantages*" on the one hand, you must be prepared to bear *losses* on the other. If you would venture the millions of property now on hand in this market upon such an abandonment of the treaty, for the mere purpose of saving or acquiring a few thousand dollars of *duties*, you may, when it shall be too late, find that your own construction of your country's obligations, and those of China, has relieved both governments of all claim on your part for any indemnity. But you assert that you have not now *any protection.* I have not been informed that you have been attacked, your personal security invaded, or your property seized by lawless persons. When any such occurrence transpires, your claim for protection from China will be opportune, and the protection guarantied by the treaty will then be found in the ability of China to indemnify you, and in the will and power of the United States to enforce the demand for your benefit.

Your idea that the treaty imports an obligation on the part of China that the interior shall be preserved in tranquillity, in order that foreign merchants may have good markets and high prices for their imports, extends the signification of that instrument much further than was contemplated by its able negotiator. Such a construction has never been given to any treaty in the civilized world, and I presume never will be.

What possible advantage can result from a failure to pay duties according to the treaty? *Who is to be benefited by the success of such a project?* If you do not pay the duties here, the Chinese seller of tea or silk must pay them in the interior, and the prices will rise by the amount of the duties. The American consumer will never be benefited by the operation. Your correspondents in the United States will receive no advantage. I cannot fancy any reason for anxiety upon *such a proposition, or any* sufficient motive for its adoption. The effect

of such a course as you propose would be, I fear, to expose the United States to the charge of being controlled by sordid calculation, and to cause the Chinese government to estimate the future promises of the United States as valuable or valueless, according to the opportunities our countrymen might have of profit or loss, and not according to a sense of moral obligation.

Your next proposition is, that I shall at least substitute other regulations for those published by the vice-consul. I have considered the objections to those regulations which you have advanced, and they are not sufficient to induce me to make any change. I will not prolong this letter by entering on a discussion of the minutiæ of those rules, but I will observe that the law presumes a consul to be a fair and honorable man; the President appoints a merchant to the office, and I cannot, in the absence of all evidence of an abuse of his official position, alter the rules deemed requisite to an efficient discharge of his official function merely because he is a merchant. The course to be taken by the vice-consul was the subject of a consultation with me, and I am unable to see in the rules he has adopted such undue stringency as to require my interference. I would gladly do everything to oblige you that is in my power, and my only object is to preserve the line of conduct which justice and good faith seem to require. If I have erred you cannot suffer, for I shall take great pleasure in submitting to the consideration of the President of the United States this whole matter by the earliest opportunity, in order that my own views may be confirmed or rejected by his more experienced judgment.

With respect, I am, &c., &c.,

HUMPHREY MARSHALL.

Messrs. Smith, King & Co.,
Wetmore & Co.,
Bull, Nye & Co.,
A. Heard & Co.,
American Merchants.

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Shanghai, *September* 12, 1853.

Sir: We, the undersigned American merchants, now resident in Shanghai, beg leave to submit the following communication:

We have received an official circular, dated 9th inst., from the United States vice-consul, containing certain new rules and regulations respecting the ascertainment and collection of the customs duties upon our trade at this port. Although it is stated in said circular that these rules and regulations have the entire approval of your excellency, yet they appear to us to be so exacting and stringent, and so far beyond what we believe to be the province and duties of the United States consul, that we beg to appeal from the said consul to your excellency, and to submit some of our reasons for this appeal, in the hope that you will, upon reconsideration, give instructions to the consul to modify the rules which he has issued.

We beg respectfully to say to your excellency, that while we wish

and intend to be good and loyal citizens of the United States abroad, as well as at home, and to pay all due honor to the officers and obedience to the requisitions of our government, we cannot *quietly* submit to be the subjects of arbitrary power, and therefore we *protest* against these *consular decrees.*

We now beg to state frankly our own opinions in reference to the existing state of things at this port. It is manifest that the power of the Emperor of China (with whom our country has a treaty) is completely overturned, in fact, is *non-existent* at this port; that, in consequence thereof, not only are there no officers to attend to the collection of the customs, but the absence of *all* the imperial officers from this port and vicinity causes serious injury to our trade in every respect. The coming of produce to the port is stopped; there is literally no sale at all for our imports; and the cost of creating funds even for the small quantity of produce now here is enormous. As all this injury arises from the inability of the Chinese government to maintain its power here, it appears to us especially hard that, while we must endure all the *evils*, we should be prevented from reaping any of the advantages of our present position. We think, that if by a construction of the treaty we are bound to reserve the "customs" for the Emperor, while his own officers are not here to collect them, that he is bound by the same principle of construction to a liability for the injuries which we sustain from the same cause; hence, while the Emperor is not held responsible for the *one*, why should we be made liable for the *other?*

We are aware that payment of duties, according to the tariff, is a *condition* upon which we are permitted to trade in China, and that the tariff is a part of the treaty; but does not the treaty at the same time oblige the Emperor *to protect us* "when peaceably attending to our affairs?" *Where is that protection now?*

If the Chinese fail to comply with *its* part of the compact, either by intent or from inability, why should we be compelled to perform *our* part?

We believe that, in the present lapse of legal authority, this port becomes, for the time being, *a free port;* and it certainly would be so to us now, were it not for the presence of the officers of *our* government.

Such are our opinions, which we respectfully submit. We by no means presume to constitute ourselves judges in the matter, but must look to your excellency for a decision.

We do not wish to evade the payment of any just claim upon us under the treaty, or such as our government, in its wisdom, should see fit to sanction. If your excellency should decide that our view of the existing state of things as above given is wrong, and that some means must be adopted to meet the contingency of an admitted demand from the imperial government for the duties upon the business now being transacted, we trust you will cause a different code of rules to be issued for our guidance than those which have appeared in the consular circular of the 9th instant. We have objections, indeed, to all these; but leaving the first and second, we beg to call your special attention to the third rule, which "demands the production of any paper or documentary *evidence the consul* may require."

Now, we think your excellency will readily apprehend the aversion which we naturally have to submit all our commercial documents to the inspection *of a rival merchant*, who would thereby have an insight into all our transactions, while his own are hidden in that privacy which we all desire for ourselves, and which, at times, is of importance to a successful result. We therefore beg that this rule be entirely expunged.

In reference to the fourth rule, we beg to say, that we do not see any good reason why we should be obliged to act for others. We think that the duties which this rule prescribes belong especially to a "collector of customs," and we know of no warrant under which the consul can enjoin them upon us. We therefore beg that this onerous rule may be expunged.

We think that no responsibility should rest upon us excepting for our own transactions; that we should be liable only for the duties upon our own imports and exports, and upon the block of the ship to our consignment; that neither the ship nor ourselves should be held responsible for the duties upon the imports and exports of other parties, beyond that of giving a memorandum of the bills of lading.

Respecting the fifth rule, we would say, in reference to its first requisition, viz., "that of payment of silver into the consular office," that we protest in the strongest manner against its application to us. The practical operation of this would, in fact, be nothing more than the levying a heavy contribution, at an enormous sacrifice, upon all the American merchants here, to supply the treasury (for an indefinite period) of their *brother merchant* who acts *as consul.*

In regard to the latter clause of the fifth rule, we beg to suggest, that in place thereof we be required to give a written obligation, payable to the legal representative of the Emperor, for the amount of the duties due upon our several transactions; said amount to be paid forty days after due notice is given to us that the fulfilment of the obligation is demanded by the Emperor, and this demand is sanctioned by our government.

The manner in which the amounts of the obligations are to be ascertained must of course be prescribed by our government officers; but we earnestly hope that your excellency will favorably consider our objections to the "rules" lately issued by the consul, and cause others to be substituted.

As some of the foregoing remarks appear to reflect upon the consul, we wish fully to disclaim all intention of any invidious reflections upon him personally; but we do desire to call the special attention of your excellency to our strong objections to the *system* which confers such high powers and judicial authority upon a *rival merchant.*

We feel assured, that while your excellency will maintain the good faith and honor of our government in its treaty relations with the Emperor of China, it is also your intention and pleasure, at the same time, to foster and protect the interests of your countrymen who are residing in this distant empire, so far as you consistently can.

We have therefore ventured to make this communication of our opinions to your excellency, trusting that you will make due allowance for

he defects in the expression of them, will give them your favorable consideration, and honor us with an early reply.

We remain, with high respect, your excellency's most obedient servant,

SMITH, KING & CO.
WETMORE & CO.
AUGUSTINE HEARD & CO.
BULL, NYE & CO.

To his Excellency HUMPHREY MARSHALL,
United States Commissioner to China.

Official—No. 31.] LEGATION OF U. S. A., SHANGHAI, CHINA,
September 21, 1853.

SIR: Your despatch No. 8 was received on the 19th instant.

I am gratified to know that, by a strict fulfilment of treaty obligations nd a rigid adherence to the principle of non-intervention in the disputes etween the Chinese, I have pursued the course heretofore which your nstructions point out for my future guidance.

The passage in your letter which invokes vigilance and activity on ny part in protecting the property and securing the rights of Ameri-an citizens, during the agitation in this country, will have already been ubstantially responded to by my former despatches.

It is curious that, while the Department of State impresses the ne-essity of vigilance and activity upon the Commissioner, the commander f the naval forces relies upon *his* instructions from the Navy Depart-nent to justify, if not to have required, the withdrawal of the *entire naval force* of the United States from this coast at a moment of extreme peril to the very persons and interests you desire to protect. It is my luty to observe, in this connexion, that since Commodore Perry sailed ence in May last, he has studiously avoided communication with me. Although the condition of affairs at Shanghai, and my own situation at the ime, should have been sufficient to awaken some solicitude on his part, e has manifested none by word or deed. The delivery of the President's etter having been accomplished at Uragawa in July, the commodore epaired with the whole fleet, except the Plymouth and Saratoga, to Hong Kong; and I learn, indirectly, that the steam-frigates Powhatan nd Susquehanna, the corvette Macedonian, and the sloop Vandalia, re now lying at Cumsingmoon, at anchorage in a snug harbor, cele-brated as a resort for opium-smugglers, while the commodore is resi-ling *ashore* at Macao. The Saratoga was sent to this place to go into dock, and she was at the time that Shanghai fell into the hands of the rebels actually dismantled and defenceless. It has not been the plea-sure of the commodore to inquire how he could aid me in the objects of my mission, or advance by his force the interests of the United States in this country. His conduct towards me officially has been grossly discourteous to the government I represent, and *so continues to be.* I have represented this fact to the Department of State heretofore. No efficiency *in the service of* the United States, either civil or naval,

should be expected while the departments continue to overlook such conduct as marked the command of Commodore Aulick, and now distinguishes that of Commodore Perry. An increase of dignity and emoluments of my office by Congress must ever prove useless and insufficient to secure public good, if the naval commanders may with impunity render all efforts of the Commissioner abortive by withdrawing the naval force from co-operation with him, by cutting off communication with him entirely—indeed, denying him the means of locomotion. And the injustice done to the Commissioner personally is perfectly insignificant, when compared with the loss sustained by the United States in the failure to procure commercial advantages by seizing opportune moments to effect favorable conventions, and in the spectacle their service exhibits in the view of foreign powers. The copy of the "Chinese Mail" which I send you by this post will prove that my situation in China has provoked the sympathy even of the British colonial press. This fact is truly mortifying.

I have dwelt on these points thus at length, not with the view of reiterating complaints, but to demonstrate to you the injustice which will be done to me by relying on "my vigilance and activity" under the circumstances that surround me. Amoy and China, two of the open ports of China, are in the hands of the insurgents, and rumors are rife of disturbances in Ningpo and Fuhchowfoo. But I have been left here without the means of locomotion since May last, unless I take passage hence in an opium-smuggling schooner, or in a merchant steamer belonging to British merchants at Hong Kong, which plies irregularly about once a month between Victoria and Shanghai. I have no means to repair to any of the other *ports* of China, unless I had the use of a national vessel or could charter a private one. With these explanations, I assure the department that the utmost of my poor ability will be faithfully exerted, *to the extent of the means I can command*, in obedience to and in compliance with your instructions "to guard the rights, lives and property of my fellow-citizens in China.

The mission to China is unlike any other the United States send abroad. To attain the usual degree of usefulness, the Commissioner must have many appliances which are not required by other missions. As I am apprized by the newspapers from Washington that an eminent citizen has been selected by the President to succeed me at this post, any suggestions for the benefit of the service of the United States, additional to those I have heretofore submitted, might serve only to embarrass him. I take the liberty now to repeat them, as essential in my opinion to the efficient, prompt, and energetic discharge of the Commissioner's duties:

1. Two or three small steamers, drawing from nine to fourteen feet, detached from the general fleet in these seas, and placed to guard the American interests at Shanghai and Canton, subject to the orders (or the "requests") of the Commissioner.

2. A division of the offices of secretary and interpreter, and the employment of a gentleman in the last-named office whose entire time may be devoted to a thorough acquisition of the language of China in its various dialects. His salary should be at least $4,500 per annum, for he cannot live for less money. The present interpreter would make

a competent appointee to such a post, I presume to say, *if he would devote his time to its duties.*

3. To employ in the legation Chinese writers, and American youths to study the Chinese language.

4. The erection of commodious jails, both at Canton and Shanghai, to confine therein persons convicted of crime or imprisoned for misdemeanors, under the law of August 11, 1848.

5. A revision of the law of 1848, so as to make it conform, in all its details, to the constitution of the United States.

I designed, on this last subject, to submit my views in an official paper, but it is probable now that I may reserve them for a merely informal, verbal communication with the President. I have noted carefully your desire to be informed as to the character and progress of the rebellion in China. According to the best information I could obtain from time to time, I have heretofore given you at least all I *knew* upon the subject, and not unfrequently my speculations upon the probabilities of the future.

It is my opinion that if China drives the present Emperor from the throne, and closes the dynasty to which he belongs, she will know peace and repose no more during our day and generation.

The idea which is now so widely disseminated, and so readily accepted by Christendom, that the revolution in China, like modern European revolutions, may be effected in a few months or in a few years, and will secure liberal intercourse, free interchange and trade, and the high moral bearing which Christianity teaches, overlooks the peculiar characteristics of the Chinese, and rests upon a total ignorance of their history, or a wilful self-deception. There is not another people on earth so wedded to ancient customs as the Chinese. The forms taught at the maternal knee are sedulously observed throughout life; the maxims and principles instilled by the parent make Chinese landmarks for life. The literature of China, embracing the ethics of Confucius, is older than our Christian philosophy; so is the system of Buddhism. The scholar plods his weary way among the Chinese classics, in some one or other of their departments, to gather the rudiments of *education*, just as the American youth makes *his* progress through Cæsar, Virgil, and Livy, in the institutions of the New World. Thus *mind* is practised, formed, and developed in each hemisphere. But in China the literary examination is an ordeal one *must* pass in order to obtain governmental employment; whereas, in the western world, merit asserts itself wherever and whenever the theatre of action is presented. It is our policy to promote it after its public exhibition. The rebel chief pledges himself *to purify the literary examinations*, so that merit may more surely secure promotion. This is but an appeal to the disappointed many who have failed to secure degrees; in other words, to the "outs" against the administrative power, which has failed to meet their expectations. This institution is exclusive. It cuts off all hope of elevation in the State from *the million;* therefore, "the million" cares nothing about the government, except for the performance of its duty, to give to the subject adequate protection for person and property. *The new chief proposes no broader basis than that occupied by the* reigning Emperor.

The rebel chief has published a long edict, which amounts to a

defence from the charge that his religion is that of the foreigners. He insists that he derives his system from the *ancient Chinese classics*, from which he quotes most liberally to prove his position. Yet it is *insisted* that he is a follower of our Saviour, and a preacher of the Christian religion! *I consider that part of the story to be unsupported by evidence; nor do I believe he would, under any circumstances, avow such a belief* to the Chinese. On the contrary, he will adhere most strictly to the ancient customs and religion of China; he will study and follow Confucius and Mencius; he will maintain the empire; he will preserve the etiquette of the ancient Chinese court; and *he will seek to conform as nearly as possible to the prejudices and prepossessions of his countrymen, in order to win popular favor.* But with all this effort he will not succeed, should he make any material change among the privileged classes as existing at present. The Chinese are divided into *clans*, some of which, I am informed, can muster thousands of troops to the field. The chiefs of clans are not to assist the present Emperor; but they will not yield obedience to any successor who proposes to interfere with their privileges already secured. *The trials of the taipingwan will only commence when he shall attempt to levy taxes and dispense offices.* Until that moment arrives he will never, in fact, be in contact with the substantial men of China; but so soon as he pronounces any considerable change, the educated mind, the personal and political ambition of China, and the taxpayers of the empire, will join in revolt and challenge his authority.

Thus far he has not attempted an exertion of authority over any section of the country. When his forces entered a city or town, the mandarins either fled for safety or were butchered at their posts. When he had levied satisfactory contributions to his military chest, his force marched away, and the imperial authorities quietly resumed the discharge of their official functions. Thus he progressed through several hundreds of miles, even to the city of Nankin. *No attempt at the institution of civil government was made.* He was besieged in Nankin and Chinkiangfoo without having secured to his party one single position upon the entire route of his army. He hoped, up to the moment of the capture of Nankin, to make this a war of races, but there was not sufficient elasticity in the Chinese mind to respond to his policy.

I regard his army as superior to the troops of the Emperor, for these are positively beneath contempt. It may be that the same plan has been pursued elsewhere that was adopted at Shanghai, to wit: enlisting members of the Triad Society in the imperial corps, who would find some support from the pay, but would desert to the enemy in the progress of the action. It is certain that, from some cause, the imperial troops south of the Yellow river have never fought or tried to sustain the shock of a single battle. Yet all this tide of success on the part of the rebel chieftain has failed to awaken the slightest enthusiasm in the bosoms of the great body of the people.

I have noticed the extravagance of the press both of England and America in commenting upon this rebellion. Some regard it as the most momentous event since Constantine unfurled the banner of the Cross, and as promising to exert an influence over Asia as powerful as did that event over the Roman empire. The theology of renovated Asia will probably only be settled after persecutions of sects, doctrinal

rife, and the overthrow of all existing civilization, as was the case in e example cited; but if the fate of Asia should be similar to that of urope, the fortunate individual who shall represent the United States me five centuries hence may be the first to inform his government of e re-establishment of order, and the dawn of a new civilization in hina. So many centuries were passed in the darkness of the middle ges.

I believe that I am, by my nature, as zealous for progress—liberal rogress—as any one of my countrymen. I sincerely sympathize with very popular movement designed to give liberal institutions to a coun-y, to elevate the condition of the people, or to promote a more general d enlightened system of international intercourse. But I see none of ese stimulants to my sympathy in *this* rebellion. I look upon it as a ar of factions waged for power merely, without principle. It is only e harbinger of a storm which is shortly to overwhelm the commerce, dustrial interests, and whatever there is of attainment and civilization China.

I believe that, when the Tartar dynasty shall have been overthrown, e fate of China will be the sport of chance. I shall not be surprised behold a wave *from Christendom* overwhelming the sons of Attila their native land, just as his hordes overran western Europe. If this es not occur, it will not be for the want of desire to swell the limits empires already established upon the ruins of Persia and India, ilt upon the sacrificed rights and blood of the weak and helpless. hould western nations restrain *their* hands, China will be divided nong the leaders of clans, who will be created chiefs or kings of small incipalities, and a long civil war alone will solve the problem of her ture destiny. There is one counterpoise only to the most absolute isorganization and violent anarchy. Men must submit. The earth n scarcely maintain this population, and the people must devote a ortion of their time to the procurement of food and raiment. This ecessity will modify the progress and reign of disorder to a limited xtent. The philanthropist can only rest upon the hope, that through is requisition to stay the ravages of war, until man can extract his read from the bosom of earth, a middle class may assert its power, d, in the sequel, assume control of the future destiny of China.

There is one fact worthy of the constant attention of the statesman ho studies China, because it affects the policy of the empire. Pop-lation in China presses upon the power of the earth to afford subsist-nce to the people. The Chinese statesman is compelled to shape the ws so as to afford employment to the maximum of hands, instead of riving to afford, by an economy of labor and time, the maximum of rofit to capital. Competition must be regulated—order and regulated bdivision must be introduced into all the departments of labor to revent an exclusion of the weak from participation in employment, nd to forbid to capital the creation of monopolies. In truth, sir, the ondition of China has called her statesmen to practise almost the very onverse of all the propositions which are received as axioms in Euro-ean and American political economy. And so vast is the mass to be egulated, so redundant the population, so extensive the empire, so aried *the production, so* complicated the interests, that I no longer

wonder at the fear and trembling with which the Chinese politician shrinks from the slightest disturbance of the governmental machinery. The more I study and learn the motives for Chinese regulations, the less I see to excite my surprise at their adoption, and the reluctance with which every idea of change is entertained.

Still, there is among the mandarins a hauteur and arrogance which, to western men, are exceedingly distasteful, and apparently absurd. The parade of rank is, however, always separate from the philosophy of a national polity, though it may be convenient to make the grades of society. But even in this particular the code of the rebels promises no improvement upon the etiquette of the ruling dynasty; and the reason is to be found in the adherence of the Chinese to ancient customs; in a word, it is the result of education, and the rebel chief cannot escape the conditions it imposes, yet preserve public respect. Hence the pretender, Hung-tsien-chuen, whose reign is styled taiping-wan, assumes celestial power and virtue as his personal attributes, becomes *invisible*, closets himself in his harem of thirty concubines, and enjoins the observance of court etiquette and forms as laws of the first importance, to be enforced by the severest penal sanctions. Hence, too, the rabble horde now in possession of Shanghai adopt the official characters that exist by the imperial authority, and each of the claimants of the local office of taoutae passes us, preceded by the umbrella of State, the gong, the executioners, the halberdiers, and the company of spearmen. The mock duke in the play was not more awkward in the robes he assumed, during his master's absence, than are these men in their attempt to display the dignity of station before the Chinese world; yet the force of custom compels the experiment, and they obey it; so they must, to the conclusion, whether it turns out tragedy or farce.

These are my opinions, formed under the best light to examine the philosophy and causes of this civil war, as well as its probable results. They are not the views commonly entertained; but I am a disinterested and impartial spectator, and I have been a careful observer of the progress of the revolution. I would prefer the chance of securing important changes of policy on the part of China, from the fears and hopes of the reigning Emperor, to the prospect of introducing them simultaneously with the rule of a new dynasty.

I see nothing at present to induce the United States to depart, in any particular, from the policy towards China heretofore observed, except to press for the residence of their Commissioner at the capital of the empire. That aim once attained, the interior must soon be opened for travel, on business or for pleasure, to the citizens of the United States, because communications between the Commissioner and consuls of the five ports will be a necessary consequence of the residence of the Commissioner; and, having once broken over the barrier of Chinese exclusiveness, the custom will soon prevail of permitting the citizens of western nations to pass through China without molestation. It will also open the port of Tientsin to foreign commerce; and that, added to the ports of entry already open, will be sufficient for every purpose of legitimate trade between China and the rest of the world.

I am gratified that the President has left to my own judgment the

propriety of *co-operation* with the British authorities in Chinese affairs. There is a national prejudice against English people in the bosoms of the Chinese which induces resistance to every request Great Britain can make. *China gives to England no privilege that is not extorted by fear.* This prejudice has been confessed to me by Chinese officials; and the reluctance to allow a privilege to England has been assigned, privately, more than once, as a reason for refusing to concede more to the United States. China has not been inattentive to the policy of Great Britain in India, and actually trembles for her own safety—I think not without good cause—for Great Britain has exhibited in her eastern conquests neither fear of Heaven nor love of justice among men. Nevertheless, I will obey your instructions to confer freely when a conference shall promise to be advantageous, and the confidence shall appear to be reciprocal between the British minister and myself—an event I am not simple enough to anticipate from my past experience and observation.

As to the *progress* of the rebellion, I repeat, (that you may fix the fact in your mind,) that the masses of the working people and business men of China have not engaged at all in this war, and, above all things, desire repose and peace. The rebels have nowhere attempted to institute government upon a basis different from the existing organization under the empire, and, if successful, will only change the personnel—not the substance or forms—of government.

I have rumors of the rapid approach of a corps or division of the rebel force upon Pekin, and of the movements of the insurgents in the provinces of Shantung and Pechili, but I do not credit them. The last movement of the rebels that I have remarked was unsuccessful. I informed you in July that the rebel chief would move westward along the Yellow river until he reached the rolling country in Shansi and Shensi, so as to organize a cavalry force in that country, and to possess himself at the same time of the great causeway leading from Pekin into the southwestern provinces. His column has pursued a direction to justify the belief that my anticipation of his movements and purposes was correct. Passing Kaifung, (the old capital of Honan,) the rebel army crossed the Yellow river and changed its direction so as to advance upon Weihung, a prefect town in Shansi. This movement was a good tactic, for it skirted the great plain, covered the rolling country in the rear, and seized the head of navigation of the Weiho or Enpo, which river empties into the Peiho at Tientsin, and communicates with the grand canal at Lintsing, in Shantung. If he had succeeded in holding Weihung, he could have organized a force strong enough to descend to Lintsing, and, by occupying it, to have turned the rear of all the forces between it and Chinkiangfoo. This would have cut off their communication with Pekin, which he would then have threatened, since he could have descended with his whole power on Tientsin. Lintsing is three hundred and sixty miles from Pekin, and three hundred from the Peiho. The country between Lintsing and the Yellow river is so subject to inundation by the Yellow river, that large tracts of it can be overflowed at pleasure. It is only to be occupied by an army by possessing the lines of mountains through Shantung, or the line of the grand canal. Military posts of considerable

strength are fixed upon the canal between Lintsing and the river, a distance of about two hundred and twenty-five miles. From this explanation you will readily understand the movement of the rebel general; but it did not succeed. Crossing the Yellow river, he encountered, for the first time, the Mongol Tartar cavalry, and was beaten, with considerable loss, (the Pekin Gazette says 4,000,) back to the Yellow river, which was with much difficulty recrossed by the remnant of the force. It is said that Lo, late commandant of the rebel force at Chinkiang, was ordered to proceed at once to join the army near Kaifung, but whether to try the experiment again or not, I cannot say.

My impression is, that the taipingwan will hold the line of the Yellow river until spring, and that the Emperor will hold Pekin and the northern provinces. My opinion is, the rebels cannot progress beyond that line with success or safety unless by the water-courses, and could not march the twelve miles from the river to Pekin if the whole force was at that point to-day, for the simple reason that they have no cavalry to withstand the charge of the Mongol Tartars, and no heavy, well-drilled infantry.

Men without any knowledge of war, or experience in its details, write and talk all manner of folly in relation to the movementsof the rebels. From their assertions, one would infer that a force moves hundreds of miles through a densely-populated country, to seize the capital of a great empire, with as much facility as a missionary will preach a sermon. I think time will prove their error, and enlighten the public mind. This is but the threatening of the commencement of a general civil war in China.

In this particular section the presence of the rebel force in Shanghai has stopped trade entirely. Detachments have been sent into the surrounding country to take the villages and departmental towns. In some of these excursions the invaders have been defeated *by the people*, with great loss. The general feeling of the Chinese about Shanghai is, that these are robbers and pirates from the seas, and not regular rebels belonging to an organized insurrection. Crowds are leaving the city every day. The rebels are busy making gun-carriages and swords, and establishing magazines of arms and ammunition; but no one can tell their exact object in these preparations. It may be to resist the Emperor, or it may be to attack the foreign population of Shanghai. I would as readily attempt to foretell the movements of the Bedouins of the desert as to predict the action of this horde at Shanghai. To suffer them to remain in such proximity to us unmolested, should prove to you how firmly and closely we adhere to the principle of *non-intervention*. It is said 1,250 of these rebels approached Tichong a few days since, and the rebel flag was hoisted on the walls to decoy them into the city. The device succeeded, and only forty escaped the massacre that followed. Yesterday an assault was made by another band on a village about five miles from this place, and the people repulsed the rebels with severe loss to the assailants. Amoy is again the scene of very sharp fighting, with a strong prospect of its recapture by the imperialists.

Shanghai will probably be the scene of a battle in a few days, which

I will observe and describe. The viceroy, E-liang, is now at Loochow, (75 miles hence,) and can bring an army here by water in two days with ease.

I now send forward the consular circular alluded to in my despatch No. 30, and also communications, touching the present state of affairs, made by me to the imperial commissioner at Canton, and to the viceroy of the Liang Kiang.

I have the honor to be your very obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. Marcy,
Secretary of State.

United States Consulate, Shanghai,
September 9, 1853.

The undersigned gives notice to American citizens, and to consignees and shippers by American ships, that, in consequence of the breaking up of the Chinese custom-house for foreign trade at this port and the absence of any recognised authority for the collection of duties, he considers it necessary, in the performance of his obligations under the treaty of the United States with China, to take some measures by which the customs through American shipping, during the interregnum, shall not be lost to the Chinese government. For the grounds of this decision, he refers them to article second of the treaty between the United States and the Chinese empire, which provides that "citizens of the United States resorting to China for the purposes of commerce will pay the duties of import and export prescribed in the tariff, which is fixed by and made a part of this treaty."

This plain declaration, made without reservation or proviso of any kind, is in force as long as the treaty exists, under any circumstances.

He therefore now publishes the following regulations under which, and under which alone, he will give up ships' papers without the production of the grand chap, when ready to depart; and he recommends to all consignees of American vessels to make it a condition, when letting out freight to hire, that these regulations shall be strictly submitted to, as a refusal on the part of any shipper would undoubtedly result in the detention of the ship.

He has pleasure in saying that this step has the entire approval of his excellency Mr. Marshall, the Commissioner of the United States, and that the regulations are similar to those adopted by her Britannic Majesty's consul.

Provisional rules for the clearing of ships, in the absence of a custom-house establishment.

1. The consignees of each ship to give into this office a declaration in writing of all the parties to whom imports have been consigned, and of all those who are shippers of outward cargo.

2. Each importer or shipper to make a declaration in writing of the quantity and description of goods, the number of packages, their weight and value, when the two latter conditions affect the duties.

3. In the event of doubt arising as to the accuracy of these particulars, the same to be supported by the production of any papers or documentary evidence the consul may see fit to require.

4. The consignee of the ship to present a schedule of the particulars of cargo, and duties payable on goods and ship, corresponding with the several declarations of importers and shippers in what concerns these.

5. The amounts thus shown to be due from importers, shippers, and consignees of vessels, to be paid into this office, either in silver, as they would have had to pay if the custom-house authorities had received the duties, or by the bill of the several parties payable on demand, after forty days' sight, in Shanghai, to the Chinese superintendent of customs.

EDWD. CUNNINGHAM,
Vice-Consul U. S. A.

Humphrey Marshall, Commissioner of the United States of America, makes this necessary communication to Yéé, the imperial commissioner, &c., &c., of China:

The citizens of the United States of America, while peaceably attending to their own affairs at the port of Shanghai, as allowed by the treaty between China and the United States, find their persons and property endangered by a formidable body of armed insurgents, who have murdered some of the imperial officers, and have possessed themselves of the city. It becomes my duty to inform your excellency of this fact, and to request the prompt employment of adequate means to insure the safety of American citizens and their property engaged in commerce at this port.

I shall cause a fair inventory of the property to be made out by the owners; and your excellency will be pleased to understand, from this notification, that should any loss to the same be suffered, by reason of the lawless violence of the subjects of China, the claim for a fair and just indemnity will be made upon China by the government of the United States of America.

The government of the United States of America, anxious to testify the friendship really entertained for that of China, has sedulously impressed upon its citizens, through the undersigned, their obligation to preserve perfect neutrality in the contest among the Chinese; and as they will be compelled by authority to confine themselves to perfect fulfilment of the obligations of the treaty, that government will expect to receive full indemnity, under the reciprocal obligations of China, should loss arise from any failure of an adequate force to insure protection to American traders in this port.

It is for this cause this formal official communication is now submitted.

I am, &c., &c.,

HUMPHREY MARSHALL.

His Excellency YEE,
Imperial Commissioner, &c., &c.

Humphrey Marshall, Commissioner of the United States of America, makes this necessary communication to his excellency E, governor-general of the Siang Kiang, right censor of the censorate, president of the board of war, &c.:

On the seventh of the current month an armed band of Chinese seized the city of Shanghai, murdered one and expelled the others of the local authorities of this port, and have since asserted over it the jurisdiction of a new and different government from that of his Majesty the Emperor. This body of men float the banner of a new dynasty from the walls of the city, and their guards occupy its gates.

The want of an adequate force to defend the city has driven the superintendent of customs to seek refuge from violence under the flag of the United States of America; whereas the citizens of the United States are, according to the treaty, to appeal to the Chinese local authorities for protection, in the event of mobs or insurrections involving them in danger. Since the 7th instant there has been no imperial officer at this place to whom citizens of the United States of America can appeal to protect them from wrong or violence—no one to whom the duties due to the Chinese government can be paid according to the treaty. The superintendent of customs cannot defend his own person, much less the persons of American citizens; and any attempt *on his part* to proceed with the transaction of official business would at once expose him to violence, and would aggravate those evils under which the commerce of Shanghai is already suffering.

There appears to have been no military force at Shanghai at the time of its capture, and the taoutae, of course, could not maintain himself against a multitude risen in arms against the imperial authority. When he fled to my quarters from a power against which he could not possibly contend, I extended over him the flag of my country.

I incurred by this step a very grave responsibility, and ran a great risk of drawing down upon the citizens of the United States in this port the resentment of those who sought the lives of the taoutae and his family; but my action was the *office of humanity*—to shelter a defenceless man and his innocent wives and children from the passions of an exasperated armed mob. This explanation is necessary; for I should regret that your excellency should mistake my motive. It was not dictated by any design to interfere in the disputes existing among the Chinese and your government. The United States of America have never, since their origin as a government, interfered in the domestic difficulties of other nations; and they prosper best by practising the principles of doing justice, extending the circle of friendship, and attending to their own business instead of their neighbors'. As the representative of the United States of America, my office in China is, by my action, to cultivate good will, and to see that the stipulations of the treaty are strictly and honestly enforced; and my protection to a Chinese officer in the above instance will not be accepted by your excellency as going out of the limits I profess to observe.

As there has been no officer to receive customs, and the city is in fact in new hands, it is plain that the ships must be indefinitely detained if they wait for the port clearance required by article thirteen of the

treaty, and that immense claims for *demurrage* will arise against the Emperor of China. I have directed the consul of the United States of America to permit vessels belonging to the United States to depart homeward immediately, when ready for the voyage, and for the duties on cargo to take the *obligations* of shippers, payable to the Chinese superintendent of customs whenever the same shall be demanded. I have thus taken positive steps to avoid losses to individuals, to prevent claims from arising against China for the detention of ships and cargoes, yet to observe the line of exact and perfect justice, by preserving the duties due, under the treaty, for your Emperor, when his officers are not able to collect or ascertain them. This state of affairs places at great risk the lives of American citizens resident in Shanghai, and millions of dollars in value of property belonging to citizens of the United States of America, which has been invested or is stored here on the faith reposed in the ability of China to perform her part of the treaty.

Having thus explained to your excellency what I have done under these new and difficult circumstances, it now remains for me only to notify your excellency, in the absence of the local authorities of this city, *formally*, according to the treaty: ·

1st. The lives and property of citizens of the United States of America residing at Shanghai, and peaceably attending to their own affairs, *are* endangered by the presence and conduct of armed bands of Chinese subjects, acting in contempt of lawful authority, and a military force is required to prevent loss of life and property.

2d. Shall any loss to the property or lives of the citizens of the United States of America arise hereafter at Shanghai from the failure of China to protect them by military power after this notification, the government of the United States of America will present, and expect to receive, such reclamations as will amount to full indemnity against every loss.

This is necessary, under the treaty, to be done and observed.

With the assurance of distinguished consideration for your excellency, I am, &c., &c., &c.,

HUMPHREY MARSHALL.

SEPTEMBER 20, 1853.

[Official—No. 32.]

LEGATION UNITED STATES OF AMERICA, SHANGHAI,
September 22, 1853.

SIR: I have only time to enclose, per steamer, which is just leaving port, copies of my communications to the commanding officer of the naval forces of the United States and to the acting consul at Canton, in order to carry out your instructions.

I am, respectfully, &c., &c.,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

Mr. Marshall to Commodore Perry.

LEGATION OF U. S. A., SHANGHAI, CHINA,
September 22, 1853.

SIR: I have received instructions from the Department of State requiring "the utmost vigilance and activity" on my part to protect the lives, property, and rights of the citizens of the United States resident in China, which render it necessary that I should communicate with the commanding officer of the United States naval forces in these seas.

In the execution of this duty, I shall ask the instrumentality of the public vessels under your command, and your cordial co-operation will be indispensable to the due discharge of my official trust. The Secretary of State informs me that the United States naval forces in these seas will be "devoted to this important object."

Accordingly, I have directed the acting consul (Mr. Spooner) of the United States at Canton to call upon you for such naval force as may be, in his opinion, requisite for the protection of our countrymen at that port, in addition to the ship already stationed there.

The disturbed state of Amoy, and the absence of consular authority on the part of the United States—which results from the withdrawal by the consul of the authority from his former delegate—render the presence of a public vessel at that place very desirable, and most respectfully I request you to order a ship from your squadron, temporarily, on that service.

I regret, especially, that the difficulty of navigating the river Min seems to place it beyond our power to exhibit the ensign of the United States at this time before Fuhchan; but I have heretofore suggested to you the probability that the public service would require *you* to visit that vicinity as well as myself. That matter I will at present reserve.

I cannot say that *I* apprehend an attack upon the foreign residents at Shanghai; but as the Chinese part of this city has fallen into the possession of insurgents who are strangers in this section of China, and whose discipline is very defective, such an event is apprehended by others, and might at any moment occur. Increased vigilance and a force competent to effective resistance are the surest preventives of such a calamity. The proximity of the city to Ningpo, where some citizens of the United States reside, and whence reports of disturbances are rife occasionally, would render the task easy to extend protection to that place, provided a steamer is added to the force now before this city. But the *nature of the force* to be employed at each place to accomplish the purposes indicated by my instructions, falls clearly within your prerogative as commander of the naval forces of our country in these seas, and I refrain, therefore, from advancing any suggestion in regard thereto, for I desire you to be assured, that in the execution of

my official function, I have not the slightest wish to encroach upon *your privilege* as an officer.

I am, very respectfully, your obedient servant,

HUMPHREY MARSHALL,
Commissioner of the United States to China.

Commodore M. C. PERRY, U. S. N.,
Commander-in-chief of the naval forces of the U. S. of America in the Chinese seas, &c., &c., at Macao.

Mr. Marshall to Mr. Spooner.

LEGATION OF THE U. S. A., SHANGHAI, CHINA,
September 22, 1853.

SIR: I have received instructions from the Department of State in regard to the policy of the United States towards China, which render it proper for me officially to call your attention to the importance of fulfilling faithfully, under all and any circumstances, the treaty obligations entered into with China by the United States, and of rigidly abstaining from any interference whatever in the disputes between the Chinese.

Both parties will be treated by you, and by the citizens of the United States at Canton, *as entitled to all the rights due to belligerents in a public war.* Your neutrality must be carried out in good faith to entitle you to demand, under the treaty, indemnity against losses occasioned by the war.

You will advise the citizens of the United States resident at Canton to make out duplicate lists or inventories of their property, real and personal, which is at Canton; one of these lists will be returned to the office of the chief local authority at Canton when such property shall be threatened by a mob or insurrectionists, and the other should be deposited in the archives of your consulate. The value of each item of said property will be appraised by two disinterested valuers, and certified to by them before the consul to be a reasonable and just valuation. You will then demand a military force from the chief local authorities at Canton to protect the residences, places of business, lives and property of citizens of the United States; and, in case of failure to meet this demand, you will formally protest the violation of the treaty. As a precautionary measure, you will *respectfully request* the presence of such force from Commodore M. C. Perry as may, in your opinion, be necessary to secure protection to the citizens of the United States and their property at Canton.

You will remember that upon you rests the responsibility of determining the moment when this force shall be called into service—upon the naval officer the execution of the requisition. You will take care that the naval force shall not be called upon *to engage*, for any purpose whatever, beyond that above indicated, and only after your demand upon the Chinese authorities shall have been disregarded. The presence, however, *before* Canton of the public ships of the United States in force compe-

tent to the protection of the lives and property of the citizens of the United States is always proper, both as a precautionary measure and a preventive of wrong. But they are only to act in the last necessity; and it is on the civil officer the chief responsibility rests of determining when their service shall be called for—on the naval officer the execution of the purpose indicated to him by the civil authority.

You will keep me fully advised, by every suitable opportunity, of the condition of affairs at Canton, of the progress of the rebellion in that section of China, and of the effect of the revolutionary movements upon the interests of the United States.

I am, very respectfully, your obedient servant,

HUMPHREY MARSHALL,
Commissioner of the United States to China.

Mr. DANIEL SPOONER,
Acting Consul of the United States, Canton, China.

[Official—No. 33.] LEGATION OF U. S. A., SHANGHAI, CHINA,
October 10, 1853.

SIR: I have the honor to submit, herewith, the continuation of the correspondence in relation to the claim of Rev. J. J. Roberts, for spoliation of his property by a Chinese mob near the city of Canton. It consists of the response of the Chinese imperial commissioner to my note of July, and my rejoinder. These seem to present an issue. His excellency rests upon the action of his predecessor *as a decision of the case.* I have ventured *to advance* the declaration that the United States will collect the amount of the award of the joint commission from the government of China. His excellency, in the usual haughty style of a Chinese ruler, dismisses the affair summarily, if not abruptly. The interpreter of this legation remarks, in a note covering the translation of his excellency's communication, that the characters employed to signify "there is no occasion for" are never used between equals in Chinese correspondence, but by superiors to inferiors. As I have no desire to be involved in the awkward dilemma of taking offence at the use of a written character which *I* do not understand, and which when translated carries no offensive meaning, (though possibly with the context it may be deemed *abrupt*,) I have chosen to allude to it very briefly, merely to show that it had attracted my notice, and was considered inoffensive though unusual. I deemed the subject-matter of the communication too serious and important to leave it for a discussion of the choice of language where nothing offensive may have been intended, and in all probability was not conceived.

The ground occupied by his excellency is, that China is not bound for the good behavior of the Chinese towards citizens of the United States residing at the open ports of China, or to indemnify them for losses they may sustain from Chinese mobs or insurgents. His adherence to the declaration of Commissioner Seu, *as a decision of the case,* is an attempt to mistake the long neglect of this claim by the United States for its abandonment, and, consequently, for an acquiescence in the *construction of the treaty* which it was Seu's object to establish.

The correspondence between Commissioners Seu and Davis will prove that the prosecution of the claim was only postponed by the latter in order to submit to the Department of State the consideration of the proposition contained in the final letter of the former.

As the Secretary of State called my attention to the consideration of this claim particularly, yet did not assist me by his opinion upon the points referred to his department from this legation, I had no alternative, under my instructions, but to subject myself to the charge of neglect of duty by indefinitely postponing its further consideration, or to progress with its prosecution, according to the conclusions of my own judgment of the justice of the claim under the law.

The correspondence now submitted to you, in connexion with a former despatch relating to the same subject, will exhibit the point at which I have arrived.

The disposition of this case will settle the construction of the nineteenth article of the treaty between the United States and China. Therefore, its importance cannot well be exaggerated. I shall state at some length the reasons for my conclusions in this case, because at first blush my determination of the matter seems to conflict with Mr. Webster's view of the liability of governments, as exemplified by his refusal to indemnify Spanish subjects for losses sustained by a destruction of their property, by a mob in New Orleans, in the year 1851.

A critical examination of Mr. Webster's letter to Señor Calderon de la Barca (13th November, 1851) will prove that he considered the rights of the Spanish subjects and the obligations of the United States as definitely agreed upon *and limited* by the treaty between the United States and Spain.

He did not discuss the general proposition how far a government is obliged without treaty stipulations to compel its citizens to respect the property and rights of the subjects of a foreign friendly power, when they are temporarily sojourning within its power and jurisdiction. Nor do I find it necessary, in the case of Mr. Roberts, to consider this general proposition; but, rather, I rest upon the broad distinction that may be drawn between the cases *from the treaties*, and the difference in circumstances of parties.

Mr. Webster denied the liability of the United States, because the courts, both of the United States and of the several States, were as open to Spanish subjects as to our own citizens; *the administration* of the law, proceeding upon established principles, was pure and impartial—judicial trials being conducted in open court, to which litigants have free access, and where they meet face to face to elicit, by examination of testimony, the whole truth. Moreover, he relied that a successful claimant might, by proper process, pursue his judgment to collection anywhere within the United States; because, as far as American law has power, its energy will be wielded for the vindication of the rights and the redress of the wrongs of the Spanish subject within the United States as readily as for the obtention of justice to the American citizen. *The treaty with Spain promises no more.*

The known disposition of the Chinese, and the history of their demeanor *to foreigners*; the policy of foreigners to exclude foreigners from this *realm*; the restricted conditions under which their admission to the five

ports was permitted; the defective administration of justice, imperfect accountability of officers for malfeasance or misfeasance in office, and the general uncertainty of securing even the form of a judicial investigation of any wrong, however flagrant—all deserve careful consideration in determining the construction of the treaty between the United States and China.

The exclusion of citizens of the United States from the interior of China was the result, not merely of an imperial decree establishing a policy, but of a deep detestation of foreigners, which had been encouraged by the throne, and participated in by the most eminent, wealthy, and active subjects of the empire. When a change of the imperial policy was determined upon, under the circumstances which forced China to modify the restrictions upon her commerce, at the close of the war with Great Britain, it was reasonable that the Emperor should assume the duty "to defend and protect the citizens of the United States residing in the five open ports, and peaceably attending to their own affairs, from all insult or injury on the part of the Chinese." *This obligation is expressed by the nineteenth article of the treaty;* and the question now raised is as to *the intent of the contract.*

A known rule of legal construction is that of comparison between different clauses of the instrument to be interpreted. The twenty-sixth article of the treaty with China reflects light upon the nineteenth article, and exhibits its true construction.

By the twenty-sixth article, the liability of the Chinese government to indemnify the citizen of the United States, whose private ship has been plundered by Chinese pirates and robbers in Chinese waters, *is expressly withheld,* and China limits the duty of her officers in that case to *an endeavor* to arrest the offenders and to restore the stolen property. Her want of a navy, and the boldness of the freebooters of the China seas, afforded some reason for this cautious limitation upon her treaty engagement. But this express exclusion of the liability, in the case stated in the twenty-sixth article, justifies the implication of its admission under the comprehensive yet exact, language of the nineteenth article, in the case of a peaceable citizen residing in the open ports. If such implied promise of indemnity does not arise upon a failure to afford adequate relief upon a proper demand, I am at a loss to know what penalty is provided by the treaty in case of a total disregard of the demand by the Chinese local authority. Surely it will not be contended that China may disregard this express and important undertaking with perfect impunity. Such a construction would nullify the clause, and abandon American property in Chinese ports to the cupidity of the rabble and the venality of the Chinese officials. If the Chinese government is only bound to indemnify American owners for losses sustained at the hands of mobs or insurgents, to the extent to which the local officers collect the damages from the plunderers, it is plain that the security of the citizen of the United States in China decreases as vagabondism, lawlessness, and corruption on the part of the Chinese populace increase; and we may expect a repetition, at no distant day, of an incident, well remembered in China, that will serve to illustrate the practical effect of such an interpretation of the treaty. Prior to the *treaty with Great Britain,* a mercantile house (all of the members

of which were citizens of the United States of America) at Canton, having in its possession about $100,000 in silver coin, was attacked in its hong by a Chinese rabble with the avowed purpose of robbing this treasure. Though the members of the house called upon the Chinese local authority for assistance and relief against this violence, none was given; and, after several lives had been lost, the hong was set on fire by the assistants, who bore away the desired treasure. China did not make indemnity for loss *where there existed no obligation in terms;* and none was enforced until it was extorted *by Great Britain*, at the date of her treaty of peace with China, under the plea that the money stolen *equitably belonged to British subjects.*

Besides the test just applied, the same result will be reached by another process of examination. According to the philosophy upon which the Chinese system of government is built, the obligation exists *in fact on the part of each public officer to indemnify against losses* suffered within his jurisdiction by reason of crime or violence. So the district magistrate is primarily responsible for losses sustained by a Chinese in his district from robbers or insurgents, because, according to the theory of Chinese government, crime must result from a defective administration of the law, or wilful neglect to provide adequate preventives against its violation. And this official responsibility ascends the scale until, every officer becoming bound for the discharge of duty by his immediate inferior, the whole official corps stands bound *in solido* to the supreme public authority and to the injured party. Instances are not rare of the enforcement of this liability by a resort to the private estate of the officer who has been unsuccessful in preventing a crime, or in pursuing the criminal within his jurisdiction. When the treaty of Wanghya was formed, the enlightened Keying was aware of the disposition of his countrymen, and was cognizant of the occurrence which I have briefly alluded to. It is not surprising that he should have seen the propriety of throwing around the citizens of the United States, peaceably attending to their own affairs in the five ports, the protection resulting from the express obligation of the Emperor, that they should be "defended from all insult or injury by the Chinese." And it is fairly to be inferred that he understood that obligation to impose on the Chinese government the same liability for indemnity that the Chinese imposes upon all Chinese public officers in cases of loss within their jurisdiction by the perpetration of crime.

Having thus stated some of the reasons for my construction of the treaty, as derived from an examination of the instrument itself and the circumstances existing at the period of its execution, I find my conclusion fortified by the manner in which the rights of citizens of the United States must be affected by the *administration of law in China*, and the tenure of office, as well as the mode of securing public employment in this government.

Rank and privilege, in stations at least as exalted as that of a district magistracy, are publicly sold for money by the imperial order.

It is a fundamental principle of the Chinese government that a public officer shall not serve in his native district, department, or province, and that, after a short term in one locality, the officer shall be removed to a new theatre of action. The purpose of this arrangement seems to be the prevention of local attachment, but it is truly to prevent political

ombinations, and to destroy all concert between subordinate officials nd the body of the people. The Emperor thus retains the official orps entire, but, by distribution of duty, continually changes the thetre of official action for each individual of it. This corps of public fficers, thus forming a distinct community, is affected by the principle hat the public officer is held responsible to indemnify an injured party or losses sustained within his jurisdiction by the efforts of violence or rime; and a *system* of bribery of superiors by their official inferiors is aid to prevail, in order to secure immunity from these liabilities. As ublic opinion has no force or influence over men who, at brief intervals, change from one province to another, every inducement is held out o the vicious man to pervert his public trust to the purpose of private ggrandizement and to the oppression of the defenceless.

In the presence of such a system the foreigner may well be alarmed or his security. He is not only conscious that he is excluded from the ountry generally, but, notwithstanding the treaty, he is shut out of the ity of Canton particularly. When he suffers wrong from the Chinese, e must complain through the public organs of his own government. The courts of China are *not* open to him; he cannot cite a trespasser pon his rights or property before an impartial tribunal, where, by examination and cross-examination of witnesses, the whole grievance may be exposed and a proper redress afforded; he cannot direct process, superintend the preparation of testimony, enforce the attendance of witnesses, or hear the proceedings in the trial; he has no access to the tribunal. After verdict, he cannot examine the public registry to ascertain the estate of his adversary, or pursue the property (though even it may be his own) from one jurisdiction to another, in order to collect his just demand. His own property may be wrested from him by violence, and once conveyed beyond the precincts of the port, or within the "sacred walls of the southern city," he has no resource but to apply for the assistance of the Chinese local authority in order to its recovery. Probably this magistrate may have purchased his office, and is open to a bribe from the plunderer to control the exertion of its authority. At all events, the magistrate may be vigilant or negligent, impartial or corrupt, at his own pleasure; for there would be no means of holding him to accountability for a malfeasance or nonfeasance, since his judicial proceedings are *ex parte*, and consequently their complexion may be shaded to suit his own interest or inclination.

The only security against malpractice is the ultimate liability of the Chinese government to indemnify the citizen of the United States against loss arising from violence and crime committed by the Chinese. To absolve the government from this liability, is equivalent to a release of all judicial officers, as well as ministerial, from the obligation to perform their public duty. The escape of offenders may be connived at; the abstraction of property from foreigners by Chinese may be tacitly countenanced with impunity. Appeals for redress will be met by declarations that "directions have been given to arrest the offenders"—promises that "timely exertions to recover and restore the property shall be made;" but as no liability will result from the failure of these virtuous endeavors, so no occasion will pass without a partial or total failure; and the Chinese minister *will probably close* the discussion by a diplomatic note, an-

nouncing the fact that, although the damages are ascertained and admitted, the parties arrested have nothing with which to make restitution or payment. *In such administration of the law* I see a conclusive reason for adhering to the most stringent construction of the nineteenth article against China; and I feel justified in deducing, from the express obligation, the implied resulting liability to afford indemnity against actual loss, in the event of a failure to perform the duty stipulated. The opposite construction amounts practically to an abandonment of the property and rights of citizens of the United States in China. The consequence of its adoption could scarcely fail to be the formation of serious issues between the governments, arising from injuries which will be done to American citizens by lawless combinations of Chinese, probably in corrupt collusion with the inferior Chinese officials.

Having formed my opinion of the legitimate interpretation of the nineteenth article of the treaty, and of the sound policy of strictly enforcing it, my instructions to the citizens of the United States for the regulation of their conduct in the presence of Chinese insurgents engaged in rebellion against the Emperor, and my notifications to the imperial authorities of their liabilitiy for reclamations for whatever losses may be occasioned by an invasion of the rights or property of citizens of the United States by the insurgents or by mobs, have all been modelled upon a conviction of the correctness of my construction of the article.

In the case under consideration, it was my determination to avoid a renewal of the discussion of the question of construction, and to decline to go behind the award of the joint commission. The course taken by his excellency, the Chinese commissioner, enabled me to execute that determination without difficulty or embarrassment. I regard the award of the joint commission as like the return to a writ of inquiry, after judgment on "*nil dicit*," in a court of law. Nothing remained but to collect the amount; and, after a courteous request for its payment, I think justice to the citizen, and a due regard to the character of the government of the United States, require that, if necessary, *force shall be employed to coerce it from China.*

I should resort most reluctantly to any measures that would injuriously disturb the mercantile or shipping interests of the citizens of the United States in China, as a blockade of Canton or Shanghai certainly would for a time; but the patriotism of the citizens of the United States, and the deep interest of both classes of those citizens in reestablishing their rights under the treaty, may be safely calculated upon to induce their cordial concurrence in whatever step may be necessary, under the circumstances, in order to collect this claim.

I have rejected the idea of reprisals on Chinese commerce, because it would sacrifice private interests, be seized upon by Chinese to foment popular prejudice against foreigners, and because I am convinced the Chinese public authority would never indemnify its own injured subjects.

The accidental accumulation of duties belonging to China in the consulate of the United States at this port offers a means of securing this claim without necessarily disturbing commercial operations in any degree, and yet having all the effect of a resort to reprisals. The only objection that I perceive to its adoption is, that it falls short of the

ect of a blockade, because China may submit to it under any pro-
t, yet adhere to the objectionable construction of the treaty insisted
on by the Chinese commissioner.

It would also appear more consistent with the character of the United
ates not to avail themselves of any accidental possession of the means
China in order to enforce a demand against her; but this is, for many
isons, the most convenient and peaceful mode of securing this claim,
d it leaves China at liberty to reverse the result should she deem it
pedient to attempt it.

I have concluded, therefore, to direct the United States consul at
anghai, when he pays over the bonds of shippers which he now holds
duties due to the government of China, to retain a sum sufficient to
et this claim, with interest from the date of the award, and *to pre-
t my direction as his voucher for this step.*

I shall draw that direction to state distinctly the purpose for which
e sum is detained, to wit: "until China shall settle this claim;" but I
ll so couch the idea conveyed by my order as to leave the future
oice of the ultimate remedy to be pursued within the reach of such
rections as it may be the pleasure of the President to give to me or
my successor in this office.

I am, sir, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

No. 1.

Yéé, hereditary marquis of the first class, governor-general of the
o Kwang provinces, *ex officio* a president of the board of war, a vice-
ardian of the heir apparent, minister and commissioner of the Ta-
ng empire, had the honor, on the 23d July, to receive the honorable
ommissioner's despatch dated Shanghai, July 10, which he has
rused and fully understands.

On a former occasion I received a despatch from Eleang, governor-
neral of Leong Keong, delivering over to me the honorable Commis-
oner's despatch sent to the prime minister at Pekin. I, the minister,
mediately on the receipt of this, memorialized the throne, and exam-
ed and found that the prime minister of China at Pekin has never yet
anaged the affairs of foreign nations, and, agreeably to the imperial
ill I have now received, they are still to be conducted by me, the
eat minister. Furthermore, I have examined your despatch, which
lates first to the case of Rev. Mr. Roberts, in which his property was
undered and carried off by a mob, and find that the prime minister,
eu, in 1848, replied to the former Commissioner, Davis, and disposed
that subject, and there is no occasion at this time to resume the dis-
ssion of it.

And, secondly, the affair of renting land at Fuhchowfoo: upon this
espatches have many times been addressed to the governor-general of
e Min and Ché provinces, and to the governor of Fuhkien, to investi-
ate the case *thoroughly.* But I now hear that, in the province of Fuh-

kien, the rebels are creating disturbances. I await the return of their answer, when I will reply to you again, which will suffice. As requisite, I make this reply; and avail myself of the occasion to present you my compliments and kind regards.

To his Excellency HUMPHREY MARSHALL,
Commissioner of the United States of America to China.

HIENFUNG, *3d year, 8th month, and 14th day.*
(September 16, 1853.)

A faithful translation. PETER PARKER.

No. 2.

LEGATION OF UNITED STATES OF AMERICA, SHANGHAI,
October 1, 1853.

Humphrey Marshall, Commissioner of the United States of America, had the honor to receive, on the 28th of September last, the reply to his note of 10th of July, which was communicated under date of 16th of September, by his excellency Yéé, hereditary marquis of the first grade, minister and commissioner of the Tatsing empire, &c.

Waiving objection to the employment of a style of address which the Commissioner is informed by the interpreter to this legation is unusual in Chinese correspondence between equals, because the Commissioner is unwilling to believe that the minister would commit an intentional disrespect to the representative of the United States of America, the Commissioner cannot refrain from an expression of regret that his excellency the minister has failed to comply with the polite request to appoint a day for the payment of the award in the case of Mr. Roberts.

Regarding the liability of the Chinese government to pay said award as perfectly clear, justice to Mr. Roberts, and the obligation which the government of the United States owes to all its citizens, both at home and abroad, will compel the Commissioner to adopt such means as shall secure the payment. He trusts that his Imperial Majesty will appreciate the moderation with which it is the purpose of the Commissioner to discharge this unpleasant duty.

Reciprocating compliments, he has the satisfaction to assure the minister of his high consideration.

HUMPHREY MARSHALL.

To YEE, *Hereditary Marquis of the First Grade, Minister and Commissioner of the Tatsing Empire, &c.*

[Official—No. 34.] LEGATION OF U. S. A., SHANGHAI,
October 30, 1853.

SIR: I have the honor to submit herewith the following papers:

1. *Reply* of Captain M. C. Perry to the communication of the Commissioner of the United States, requesting him to place vessels-of-war

at certain points in China for the protection of the lives and property of citizens of the United States.

2. Reply of the acting consul at Canton to the same communication from the Commissioner.

3. Proclamation of the Commissioner to the citizens of the United States at Shanghai, touching their conduct in face of the Chinese combatants.

4. Reply of his excellency Eleang, governor-general, &c., to the Commissioner's notification that military force was required at Shanghai, and that China will be held liable to indemnify citizens of the United States against losses arising from the insurrection.

5. Reply of the Chinese imperial commissioner to a similar communication from Mr. Marshall.

6. Correspondence between Mr. Marshall and the vice-consul of the United States at Shanghai; (A,) on the recognition of the rights of the Chinese superintendent of customs to resume his duties at Shanghai; (B,) on the withdrawal of the provisional regulations for the customs established by the vice-consul; (C,) on the course to be pursued by American masters and the consul to clear American ships, in case of the neglect of the superintendent of customs to perform his official duty by granting the usual port clearance; (D,) on an alleged breach of neutrality by the vice-consul of the United States.

7. Papers in correspondence between her Britannic Majesty's consul at Shanghai and the Chinese superintendent of customs, on the rights of the latter and the course of the British government in certain contingencies. *These* are in print.

I desire to submit a few comments upon some of these enclosures.

Though the reply of Commodore Perry to my letter of the 22d of September is courteous in its style, he has carefully avoided the performance of any one of my requests. Instead of doing what was desired, he submits a paper, carefully and studiously devised, to present views of *his* powers and privileges as a naval commander, so antagonistical to the basis of my note, that they may be regarded as forming *issues* on the following negatives advanced by him: 1st. A naval commander is not bound by his duty to proceed to the relief of any point, at the instance of a consul of the United States, when his own position affords an opportunity to judge how far the commerce of the United States, or the lives and property of citizens of the United States, require protection at such point; and that he is the exclusive judge, not merely of the nature of the force to be employed, but of the necessity for its presence; and when it *is* present, he is to be the judge when the civil authority of the consul should give way to the naval authority of the commodore. 2d. When requested by the *minister* of the United States to present the naval force at any given point for the relief of American citizens and commerce, he is to be the judge whether such movement is proper. If the request be merely to aid the accomplishment of a point of diplomacy, the naval officer may demand the submission of the policy to his revision; and should he disapprove thereof, it is his "prerogative" to refuse to comply with the requests.

These same propositions have been, at various times and under varying forms, presented by our naval commander at Naples, at Rio de

Janeiro, at Canton, and Shanghai; and they have caused frequent unpleasant passages between the civil and naval officers of the United States on foreign stations. During my own mission to China, this view of their "prerogative" has resulted in the loss of very important political and commercial advantages which circumstances conspired to place within easy attainment, under a proper exercise of diplomatic energy exerted at a certain point. I have only to observe, sir, that it is important to the public service abroad that the government at home should establish some absolute regulation defining the "prerogative" of the naval commanders in these particulars; for, until that shall be done, the United States must expect their commodores and other naval officers, under one pretext or other, at all interesting crises, to evade the requisitions of the civil functionaries in order to assert their own authority and professional "prerogative." I think that my notes to the acting consul at Canton and to the commodore draw clearly the proper line of distinction dividing their departments of duty. If they do not, and the view of the commodore obtains, there will be no sphere of action for civil officers, except as assistants to *the naval diplomatists.*

These enclosures exhibit a wide departure from each other in the courses of the British and American functionaries towards China.

After the reception of the letter from the governor-general of the Leanteang, apprizing me of the return of the superintendent of customs to discharge his duty according to the treaty, and the notification by the said superintendent to the vice-consul of the United States that he had entered as usual upon business, and the curt declaration of the imperial commissioner, that "Shanghai was not by chance uncared for," I thought the withdrawal of the provisional regulations would be proper, except as to ships which had partially laden under; and I instructed the vice-consul accordingly.

The British consul disputed the right of the Chinese officer to collect duties until the imperial troops shall recapture Shanghai, and the taoutae shall recover his seal of office, which was lost or stolen at the fall of this city. This position, so extraordinary and untenable, was followed by the declaration on the part of the Chinese that, should the refusal to pay duties at this port be persisted in, their amount will be levied on Chinese products at the interior custom-houses. The British consul then takes the position, that such an exaction by the Emperor from his own subjects will be considered an act of hostility and aggression upon Great Britain; and, in bad taste, calls upon China to consider how far the Emperor can find his interest in the provocation of a great power like Great Britain under existing circumstances.

Other movements of the British public authorities and British subjects in China, lend great significance and importance to these declarations. I will mention, briefly, some of these, because they belong to a proper narrative of the events that have lately occurred here, and shed light upon the sources from which, partly, I draw my conclusions as to the intended policy of Great Britain. I am less reluctant to dwell upon these particulars, as I observe that her Britannic Majesty's superintendent of trade and plenipotentiary has not failed in his despatches to select the conduct of an opulent American house for animadversion, when instances far more worthy of severe comment were constantly

before his eyes, in which British subjects only would have been involved by his criticism.

On the morning of the 7th of September the first breach of the new China custom-house was effected by the entry of an employé of a British mercantile firm of this city, to carry away certain merchandise that had been seized by the Chinese revenue officers, some days previously, for a violation of the revenue laws of this empire. This person was urging his Chinese coolies to rapid work in the business of transporting the goods from the house when I entered it. The Chinese clerks appeared to be bewildered, and merely said "they had no power, and gentlemen could do what they pleased." Very shortly after this, other British subjects were seen dragging away the cannon and gun-carriages that had been collected at the custom-house, upon the plea that the Chinese superintendent of customs owed them money for the victualing public ships in the service of the government, and they thought that an opportune moment to *provide collateral security*. I neither saw nor heard of any American who engaged to any degree in this spoliation. Many merchants and citizens witnessed its course, but no resistance was offered; and, before nightfall, the building, which was new and costly, remained but a shell and a ruin. When the Chinese rabble had carried away every article of furniture it contained, and the passer-by upon the streets could look through its dismantled apartments and broken partitions from front to rear, a British guard was posted, by command of some public functionary, to *protect* the Chinese custom-house within the foreign settlement, and has ever since been kept at the gateway. The insurgents did not participate in this affair; but, on the contrary, sent some persons wearing the revolutionary badge to drive away the rabble, which is believed to have suggested the expediency of taking the establishment under foreign protection.

The walls of the city of Shanghai form an ellipse of about five miles in circumference, the broader curves facing east and west, the smaller north and south. These have each a gateway, giving access to the interior of the city; the eastern gate opening upon the Hoangpo river, which is here something like half a mile wide. The Yang-king-pang is a small creek emptying into the Hoangpo, about two hundred and fifty or three hundred yards below the city walls, and its course is nearly from west to east, across the lower side of the city, when it turns more to the northward. When the tide flows in, this creek is about twelve or fifteen feet in depth, and about twenty yards wide. It is spanned at two or three places by stone bridges of great solidity of construction, which are the only ways by which persons have access from the eastern and northern gates of Shanghai to the north and east of the adjacent country. In the suburbs are many Chinese villages. The tide of travel over these bridges is constant in its flow and reflux. The "foreign settlement" is below the Yang-king-pang, and extends from that creek to Inchow creek, about half a mile distant. The French consulate, and a French mercantile house, are the only foreign houses beyond the Yang-king-pang outside of the city walls. There are three American missionary residences on the north face of the city, detached from each other, and some hundreds of yards distant from

the walls. The French Catholic cathedral is built on the southeastern side of the city, outside of the walls, and near the river.

The British guard, in strong force, came on shore on the 7th of September, and was posted at the bridges upon the Yang-king-pang, with orders, it appears, to permit no armed Chinese to pass by the bridges in any direction *from the city*, but to allow all persons to pass *into the city* without molestation. The idea was to cover the whole foreign settlement by this arrangement; but it was entered upon without the slightest consultation with the representatives of other foreign powers, and quite as though this was in fact what several faint attempts have been made to consider it—a British settlement. This exclusive protectorate, thus assumed, led to an unpleasant incident between the British and myself directly. When the insurgent chief was coming to my quarters to see me on business, the British guard at the bridge on the Yang-king-pang, after suffering his train to pass, pursued them to the front of the American consulate, and *there* turned them back and escorted them near two hundred yards to the point where, according to the orders, they should have deposited their arms. Hearing of this, and supposing that my Chinese visitor had been thus rudely treated, of course I felt indignant, and I requested the naval officer, who happened to be on shore at the consulate at the time, to march his guard to the bridge, and to remove the obstacles to my intercourse with the insurgent chief. It turned out that the chief himself had not come by that bridge, but by another; and that one of his assistants or employés only had been turned back, who had been sent in advance, not to see me, but to provide an interpreter for the interview with me. Her Britannic Majesty's consul, Mr. Alcock, was prompt to send me an explanation of the occurrence, which was courteous and satisfactory. I then informed the British authorities that I was not aware they had given such orders to their sentinels, and of course that they could not be permitted to fetter my intercourse with the Chinese under any pretext whatever. They disclaimed the idea of attempting it, but rested the justification of their precautions upon the fact that the legal authority in Shanghai was overthrown, and that anarchy prevailed; in which case, the instinct of self-preservation led to the adoption, by each person or power, of the means of self-defence. I suggested my concurrence in the remark, and conceded its applicability; but as each, in the exercise of this right, might adopt a rule differing from that of his neighbor, a general consultation and the adoption of a plan for the common defence of all would be preferable. This reasonable suggestion was not met, and I was constrained to take the position that it was my intention to protect the citizens of the United States, and to preserve my own intercourse with the Chinese free from embarrassment; and if difficulties arose by a conflict of foreign regulations, we should have to adjust them according to the circumstances in which they might originate. On that basis matters have since remained.

The arrival of the French steamer induced the British to withdraw their guard from the lower bridge, when the French mounted one there, and they have had some difficulty with the Chinese insurgents, the merits of which I have not investigated. The British guard was at length withdrawn from the bridges into the heads of streets leading

into the "foreign settlement;" but this mounting of guards and posting of sentinels has been continued to the present time, certainly not from any well-founded apprehension of the force within the walls, but it has now taken the wider range of excluding *the armed forces of the Emperor* from access to any point occupied by the foreigners. The French have apparently acquiesced in this view also, and under it they interfered a few days since to stop a combat *between the Chinese, because their positions endangered the French cathedral*, which is quite on the other side of the city and entirely outside of it, situated there by the mere grace and favor of the Chinese authorities.

Again, yesterday, the British vice-consul halted the Chinese commander-in-chief, who was coming within the foreign settlement to pay his respects to the foreign authorities, and he turned back his armed retainers, though the general announced that they were a mere escort usual to his rank and station. These indignities are at present quietly sustained by the Chinese officers; but I know they are keenly felt, and hereafter their effect will be manifested by a determination to narrow and circumscribe the privileges of men who use the grants already made with such perfect disregard of right and justice.

I have seen no occasion since the 10th of September to call an American guard ashore. The citizens of the United States have been told to keep out of the conflict, to remain neutral, to shut up their houses if exposed to the range of the fire, and to trust to the United States to secure to them indemnity for losses arising from the insurrection. The Chinese authorities have been informed that we "render to Cæsar the things which belong to Cæsar;" that we claim no ground on the soil of China, and want none; and that the citizens who remain here live under the treaty, and look to their own government to protect them in all just claims to the rights arising under the treaty.

The Chinese must form an opinion of the far-famed law of nations little calculated to induce them to subscribe to that code under the practical illustrations they have had of its force among western powers within the past month and upon other occasions. A British subject, detected as a spy, with letters upon his person, passing from Shanghai to Nankin, and avowing himself, in an epistle of his own (also found upon his person) to the rebel at Nankin, as the emissary of the rebel at Shanghai, was not beheaded by the Chinese, though the Chinese in his company were. He was returned to the British consul at this place, who held him to bonds in the sum of $200 (!) to appear before him when called, at any time within three months. That man is now at liberty in Shanghai, and notoriously passes into the city among the rebels, and out of it among the foreigners, *at will*. I will not multiply instances unnecessarily, but shall only mention that the custom-house boats, flying Chinese colors, have been driven twice from their anchorage in front of the Chinese custom-house by a British man-of-war, on the plea that their presence *endangered the foreign shipping, or that they were too close to her Majesty's vessels.*

I see, by a paragraph in the China Mail, that the Hermes (a steamer) *drifted* at Amoy, a few days since, into the arena of a naval engagement between the imperialists and rebels, when the victory was almost decided *for the former, and thus* compelled the parties to separate.

These examples of incidents daily occurring in China will serve to place you in possession of the tendency of affairs in China, and to prove that, though neutrality may be the profession of Great Britain and the aim of the Foreign Office, the practice of the public authority of Great Britain *among the Chinese*, leads to the conclusion that there is another policy in view. I believe that were Great Britain assured that the United States would not interfere in behalf of China, she would seize and hold this city permanently, and thus command the valley of the Yangtsze—the richest probably in the world. I believe she will yet do it, unless she shall be advised that such usurpation would provoke resistance on the part of the United States, to whom such a *coup d'état* would be a national calamity. In such an usurpation China can offer no resistance, and she would have to submit to it with but little opposition.

I have forwarded Mr. Cunningham's explanation of an affair upon which the British newspaper published here has commented with much severity, and of which the malicious and discontented have taken advantage to assail the conduct of the public authorities of the United States, without the slightest apology for the false allegations and innuendoes employed. I entertain no doubt that the whole affair was designed to prejudice the public mind at home, and, by assailing the public officers of the United States, to distract observation from the domineering and unjustifiable bearing of the British towards the Chinese—possibly to cover the projects of British policy, by creating abroad the impression that the "progress of liberal ideas" is dependent upon the aid but of that great power.

Practice in British India, at the Cape, in the Caribbean, in Burmah, has familiarized this power with the best methods, through the instrumentality of a protectorate, to acquire substantial dominion over weak and unwarlike peoples. The private circles are very frequently the best indices of the tone and direction of public policy. My views have been formed partially also from such sources. As it is my duty to conceal from you no thought which connects itself with the good of our common country, I write with perfect frankness, and without studying pauses or the rounding of periods. I want you to understand that I think, in the nature of things the United States and Great Britain cannot avoid being rivals and competitors for the trade of China; and that, owing to the facility with which Great Britain grasps at colonial establishments in the East, it is of great importance that your policy shall not be based on any false reliance upon her professions of a disinclination to disturb China; but, on the contrary, that the utmost vigilance should be maintained, and that the Commissioner of the United States should *thoroughly* understand the policy of his own country regarding affairs in this.

I have observed that I am assailed by the press, even at Washington city, upon the charge that I have interfered, in the civil contest in China, in favor of the imperialists, and that I have missed opportunities to "help on the march of ideas."

It is due to the President, who sent me here, and to myself, to record now that I have preserved the strictest and most faithful neutrality

myself, and have counselled and instructed my countrymen to do so likewise.

I have attempted, by my public course and private intercourse with the Chinese, to impress the authorities and people of China with a conviction that the love of justice, the cultivation of friendly relations with other nations, and unswerving fidelity to the sacred obligations of treaties, were and are prominent characteristics of the foreign policy of the United States. I have attempted to dispel any jealous apprehension, on the part of China, that the United States will, under any circumstances, desire to usurp sovereignty over Asiatic soil.

I am yet to be convinced that a systematic disregard of the rights of others, and the usurpation of powers within their territory not conceded, and for which the only excuse that can be found is the weakness of China, will ever incline the Chinese to enlarge the margin of their intercourse with other nations.

There are degrees of respectability even in "fillibusterism;" and of all the species of this vice among nations, that is the last with which I desire to connect my name, which treads upon the rights of the powerless, and disregards, in intercourse with the weak, the principles of conduct that are scrupulously observed towards the strong. I have no ambition to disgrace the United States, as their representative, by professing friendship to this power, yet, by secret exertion, to attempt its destruction; and, in so doing, to make myself guilty of a crime denounced by the laws of the United States with the penalty of death, of which laws *I* am now, in China, the ultimate administrator. I have not a desire to instigate a rebellion against even the Emperor of China, or to cheer on an insurrection, the purposes of which are unknown to me, and probably not understood by the insurgents themselves.

I have tried to guide my conduct to the honest discharge of my duty to the United States and to China; and though the singleness of my purpose may not be appreciated by others, I see in my course no step to recall, and no act to regret, before the forum of my own conscience.

The events at Shanghai I will succinctly relate before I close this paper, with my impressions of their tendency and effect.

After the capture of Shanghai by the insurgents on the seventh of September, detachments of the rebels were sent to Kiating and Pawshan, two villages near to this city, which they took possession of. Other detachments were sent to the more distant and more important cities of Soongkienfoo and Tichongfoo to capture them. The attack on the former was unsuccessful; on the latter perfectly disastrous, for the whole detachment of twelve hundred men was lost, with the exception of about forty. Pawshan and Kiating were recaptured by the imperialists in a few days, and the effort of the insurrection here was exhausted, having only accomplished the capture of Shanghai, within the walls of which the whole insurgent force was shut up as early as the 27th of September.

The mass of the people of China have manifested no sympathy whatever for the insurgents or their cause. On the contrary, every one has left Shanghai who could get away. The city, which sixty days since contained a busy population of 270,000 people, now is esti-

mated to have within its walls (insurgents included) about 40,000 people. The Chinese have crowded into the foreign warehouses and out-houses to escape the vicissitudes of the siege of war, and even ten-pin alleys have been divided into stalls to afford families a temporary shelter.

The insurgent force within the walls numbers about 4,000 men, who are pirates, robbers, boatmen, coolies, horse-boys, servants who have been in foreign employment, Chinese from Singapore, and natives who have been forced to join—from first to last a most miserable crew of desperate men, without education, morals, and, what is worse, without ideas of government, or a purpose in the continuance of this insurrectionary movement beyond the hope that they will succeed in being admitted into the fraternity of the rebels at Nankin. To this date this chief has had no communication or correspondence or understanding with the rebel chief at Nankin, and it was incorrect that there was any privity between them at the date of the insurrectionary movement here on the seventh of September.

The imperialist force is composed of a fleet of small vessels, (reinforced to-day by the whole imperial fleet from Chinkiangfoo,) which keeps up occasional ineffectual cannonading from the river side of the city, and a military force on the land that now is said to amount to 10,000 men, under the command of Keih, the judge of the department at Suchow city. Squares of mud entrenchments have been thrown up about four hundred yards from the city walls, and the imperial army is encamped in them. Day and night the cannon roars from land and water, but no material damage has been done to either party. The assailants are said to be the greatest sufferers, though I believe that fifty killed would embrace the whole of the loss for the past forty days. Daily engagements are said to take place, without any result varying the prospects of parties. Both armies are unlike any soldiery seen in the western world; indeed, I know of no age of the world in which the display could have been creditable. The month has been spent to no purpose, for the imperialists have made no visible progress towards the recapture of the city. Any lieutenant in the service of the United States, with three hundred men, would take the city in two hours with perfect ease. This is really a correct picture of the scene and the parties. Within, an insurrectionary rabble, without any definite purpose exciting their resistance; without, the unskilled and inefficient soldiery of government without any energy to overcome the slightest effort to oppose its authority. It may be the officers have the courage to die bravely, but they have no knowledge of arms, or of the arts of war, and their science seems effectually baulked by a brick wall of twenty-five feet high. They may die, but they would fail to produce the desired result by the sacrifice. Looked upon from this point of view, is not China in the very twilight of civilization?

The sympathizers are all foreigners, not Chinese, and I regret to say that I have heard of several instances in which foreigners have been seen on the walls during engagements. They make practical suggestions in *gunnery* to the insurgents, and some, who are indiscreet, urge the rebels to hold out to the "last extremity," and throw every obstacle their ingenuity can invent in the way of the imperialists. There is

no adequate reason for this in any prospect of an amelioration of the condition of the people of China from a prolongation of *this* struggle, or of any other, unless at the termination of a long civil war, which will educate the Chinese to a knowledge of the science of war in the bitter school of a bloody experience. Now, and here, the prolongation of this struggle is but to effect the paralysis of commerce and the reign of lawless violence, and to expose to disease in camp and garrison thousands of men who are worth nothing as soldiers; and, superadded to all this, to bring down upon the poor of this vicinity all the horrors of want and famine.

But, so long as this section of China remains thus disturbed, the markets of America and Europe for teas and silks will bear high prices. They who have already shipped, would find immense *profit* in having China hermetically sealed for the rest of the year.

The news from the rebels at the north does not induce me to change my former statement, that the rebels would hold the line of the Yellow river during the winter, and will ultimately approach the capital by the great western causeway.

I shall go hence to Canton to-morrow, in the British merchant steamer Lady Wood, for want of a more appropriate mode of conveyance. Affairs here have assumed such a shape as that they can be comprehended exactly; at Canton, trouble is not improbable.

I have the honor to be, &c.,

HUMPHREY MARSHALL.

To the SECRETARY OF STATE.

No. 1.

Commodore Perry to Mr. Marshall.

MACAO, *September* 29, 1853.

SIR: I have received your communication of the 22d instant, and, in reply, assure you that it will afford me the greatest pleasure to co-operate most cordially with you in the protection of the lives, property, and rights of the citizens of the United States resident in China. The steps I have already taken will bear ample evidence of my disposition in that respect; and though I have received no other instructions having reference to China than those brought with me, and of which you have been made acquainted, a proper appreciation of the duties devolving upon me as the commander of the United States naval forces in these seas, would always prompt me to use the means at my disposal in such manner as in my best judgment would most conduce to the general interest of the government, and the welfare and safety of American citizens resident in China, and in other eastern countries within the sphere of my command.

There is now, and has been from the moment of my return from Japan, stationed at and near Canton a force more than sufficient for all purposes of protection, and, in addition, the Vandalia sloop-of-war moved up the river yesterday, to remain a short time.

Being in constant, almost hourly communication either with the commanders of the vessels of the squadron stationed at Canton and Whampoa, with the United States vice-consul, or the American merchants resident at the factory, I am myself the better judge of the necessity of adding still further to that force, having in regard other important objects in view, and Mr. Spooner is aware that any suggestion of his will receive all due attention from me; beyond this, his official action will have no influence in determining the movements of the ships under my command.

In the arrangements heretofore proposed by me for the disposition of the services of the vessels, the Plymouth, on her way from Loochoo to Macao, will avail of the northeast monsoon, and touch at Fuhchan and Ningpo, and probably at Amoy, though the Supply visited that port but a month since, as you will perceive by a perusal of the enclosed copy of a letter from her commander.

I do not know of any American property at either of these cities, excepting that which may belong to missionaries; and taking into consideration the fact that these gentlemen and their families have hitherto been treated with kindness by the Chinese of all parties, I can hardly conceive that they will be exposed to the slightest annoyance.

The continuance of the Saratoga at Shanghai will, in my belief, give sufficient protection to American life and property at that place; in truth, there is a larger force at this time looking after the property of American citizens at Canton and Shanghai, than has ever before composed the entire strength of the East India squadron, and it is well known that the extra ships now refitting at the headquarters of the station have been expressly detailed for the Japan expedition.

The refitment of the engines of the Powhatan now in hand, and the crippled condition of the machinery of the Susquehanna, which requires the utmost care to keep it in working order, leave me but one effective steamer, the Mississippi, (my present flag-ship) for any special employment. And even if they were all ready for sea, I should not deem it advisable, or justifiable in the present aspect of affairs, to consume any part of the limited supply of coal I have with so much difficulty, and at high cost to the government, provided for my next Japan cruise, in employing these large and valuable steamers in visiting Ningpo and Fuhchan, when a sloop-of-war of lighter draught would answer a much better purpose by being able to approach nearer to those cities.

I have thus, with the utmost candor, given you my views respecting my duties in regard to China; and so long as I remain in this part of my command, shall continue to devote myself, so far as my judgment will permit, to the best interests of all who may have *lawful* claim to the protection of the ships under my command; again remarking that I shall be most happy to co-operate with you in every way compatible with my instructions, the usages of the naval service, and with the prerogatives which belong to my naval command and to the special instructions to prosecute other important duties elsewhere.

But after all, notwithstanding the exaggerated accounts we are constantly receiving of the dangers to which foreigners are or may be exposed in China, I have yet to be informed of the first instance since I

have been on the station—and I presume the remark may bear a much wider range—wherein an American or any foreigner has been in the least molested in person or property.

Commander Walker has been instructed to proceed to Fuhchan. Should he, on consulting with you, deem it necessary at any conjuncture to do so, and from thence return to Shanghai, I shall have an extra ship ready to hasten to either of those places should the information constantly received at this place from the coast north and south make it expedient to despatch one.

I am, sir, very respectfully, your obedient servant,

M. C. PERRY,
Commander-in-Chief U. S. Naval Forces,
East India, China, and Japan Seas.

His Excellency HUMPHREY MARSHALL,
U. S. Commissioner to China, Shanghai.

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UNITED STATES SHIP SUPPLY, HONG KONG,
August 28, 1853.

SIR: I have the honor to report to you the arrival of this ship, under my command, from Loo-choo via Amoy, at which port I touched in obedience to your order of July 31st ultimo, and remained four days.

The rebels, eighteen thousand in number, still hold possession of the city, and business of every kind has been suspended for three months past. The persons and property of all foreigners have been most scrupulously respected, and not one act of violence or indignity has been offered to any individual; nor do they fear anything of the sort will occur.

There are only three Americans in Amoy—two missionaries and one consul—and no American trade direct. The only commerce with the United States is carried on through other ports in China.

I am, sir, respectfully, your obedient servant,

A. SINCLAIR,
Lieutenant Commanding.

Commodore M. C. PERRY,
Commanding U. S. Naval Forces,
East India, China, and Japan Seas, Hong Kong.

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No. 2.

Mr. Spooner to Mr. Marshall.

CONSULATE OF THE U. S. A., CANTON,
September 27, 1853.

SIR: I have this day received your despatch dated at Shanghai, 22d September, and the contents are specially noted.

A circular addressed to the citizens of the United States resident at Canton, and enjoining upon them the strictest neutrality as their title to demand from China, under the treaty, indemnity against losses occasioned by the war, is now going the rounds of the town; coupled, also,

with an extract from your despatch, directing me to advise them to hand in duplicate lists of their property here, to be forwarded to the office of the chief local authority at Canton whenever such property shall be threatened by a mob or insurrection.

That part of your despatch directing me to call in the assistance of the United States naval forces, after my demand for protection from the Chinese government has been disregarded, will be complied with so far as circumstances may admit; but if my past experience of Chinese mobs will suffice for me to form an opinion for the future, our danger will be *sudden*, and will allow but little time for communication with the Chinese authorities.

At present I see no more indications of riot or trouble than have been apparent for the last six months; but as a precautionary measure, the United States storeship Supply, with her usual crew and twenty-five marines from the Susquehanna, under command of Major Zealand, is at the upper part of the Macao Passage; the Susquehanna herself being anchored in Whampoa Reach. The Mississippi returns to Cumsingmoon to-morrow. Commodore Perry is resident at Macao, and has asked me to send down a despatch for him on the first appearance of trouble here.

There have been some riots near the Bogue; but I get no particulars, and consider them of themselves unimportant.

The question of legalizing Mexican dollars as currency is yet in abeyance; the shroffs opposing what all other Chinese desire—their introduction. I have prepared a letter to the governor requesting him to order the shroffs to receive them, and understand that this will be followed up by letters from the British and Peruvian consuls, and from the Chinese silk dealers.

I learn that her Britannic Majesty's brig Lily, Captain Sanderson, for some time past anchored at the Macao Passage, will drop down abreast the factories; but I see no pressing need for moving the Supply, or increasing our forces.

I am, sir, very respectfully, your excellency's obedient servant,

D. N. SPOONER,
Vice-Consul U. S. America.

His Excellency HUMPHREY MARSHALL,
Commissioner of the U. S. A. to China.

No. 3.

To the citizens of the United States of America at Shanghai:

For your information, the undersigned, Commissioner of the United States, begs leave to say, that it will be your duty to abstain from all participation whatever in the contests now waged between the Chinese. A violation of neutrality will, most probably, only involve him in difficulty who shall be guilty of it.

Inventories in duplicate of your effects, valued by two disinterested persons, should be made, the valuation certified to by them as reasonable, and one copy thereof deposited at the consulate.

In the event of loss, such inventories will enable government to demand indemnity in your behalf. It is recommended, however, that such

effects as can be transported shall be deposited in places of safety, provided your residences are beyond the body of the foreign settlement. If your residences are then exposed to the fire of the combatants, you should close your doors under seal, and remove your families to points out of the line of fire.

It is not contemplated by me to apply to the naval commander to despatch guards to those residences which are scattered over the suburbs of Shanghai. The naval force must be concentrated to be efficient; and as that force is very limited, the naval commander will probably select a single position for defence, at which he can secure the safety of all who may seek his protection.

The undersigned hopes that his countrymen at Shanghai will willingly comply with these suggestions, made by him from a sense of duty to them, and to his own public obligations.

Respectfully submitted.

HUMPHREY MARSHALL.

SHANGHAI, *October* 1, 1853.

No. 4.

Eleang, governor-general of Kiang-si, Kiangnan, president of the board of war, &c., &c., makes this communication in answer:

Your excellency's communication reached me on the 3d instant, stating that on the 7th ultimo, at Shanghai, lawless persons had collected in bands, armed themselves with weapons, captured the city, killed the magistrate, and plundered property; that these bands had assumed official titles, changed the style of government, hoisted their flags, and placed guards at the city gates; that the chief military functionary had been unable to defend the place, while the commissioner of customs had come to your residence [Chinese characters] *to confer about assistance;* that your excellency had given protection to said commissioner; that there being no officer to receive the customs due, and fearing there would be a long detention of the merchant-ships, with great loss to the imperial government, your excellency had instructed your consul to allow said ships to depart, after having first received from them written securities for the payment of the duties whenever the constituted authorities should reinstate an officer for that purpose; and that, in accordance with the treaty providing for cases of mobs, insurrections, &c., your excellency felt bound to make this communication.

Now, to me, the governor-general, it seems that the great Emperor's assiduity in government, love to the people, gentleness to those near and regard for those at a distance, are displayed throughout all regions, and that all living creatures are enriched by his kindness; but the lawless vagrants of Shanghai do not consider the favor they enjoy in having food to eat and soil to tread upon; they know not how to pay homage to their sovereign or respect to their superiors, but, on the contrary, they audaciously kill their officers, and occupy the city. Such conduct, assuredly, is not to be tolerated by heaven and earth.

Woo, the commissioner of customs, seems disposed to maintain fidelity and honesty, and is ready to try to retrieve what has been lost. To *your excellency we are indebted* for his protection—kind consideration,

proceeding from your excellency's own regard for the good and detestation of the bad, and carrying out the true desire of your country's Chief Magistrate, forever to maintain peace and good will with my government, sufficient to show that your excellency will, with pure justice and reliable confidence, conform to the terms of the treaty of perpetual peace—conduct not only most pleasing to myself and to Commissioner Woo, but which must also (when he hears of it) be highly approved by the Chief Magistrate of your country.

To Shanghai and other places occupied by the rebellious outlaws, I have despatched troops, soldiers and officers, that they may hasten to cut and sweep them all away. Already *Kiating* and other cities have been recovered and reduced to order, and the rebel leaders and lawless gangs cut up in detail; and of our military and civil officers engaged in these operations, the culpable have been stigmatized and the meritorious rewarded.

In due course, Woo, the commissioner, has been instructed to hasten back to Shanghai, and to attend to the management of the custom-house duties; and now these duties, relating to the several foreign nations, should all, as usual, be managed by Woo, the commissioner, and in conformity with the treaty regulations, so as to avoid any long detention of the merchant ships.

Moreover, it is to be expected that at no distant day the city will be recovered and the rebellious outlaws all cut off, so that both we and our people, natives and foreigners, may together enjoy the blessings of peace triumphant, alike profoundly desired by myself and by your excellency.

Such is the communication with which I trouble your excellency. May it reach him to whom it is addressed, to wit:

His Excellency H. MARSHALL,
Plenipotentiary of the U. S. A., &c., &c.

HIENFUNG, *3d year, 9th moon, 6th day,* (*8th October, A. D.* 1853.)

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No. 5.

Yéé, hereditary marquis of the first class, governor-general of the two Kwang provinces, *ex officio* a president of the board of war, a vice-guardian of the heir apparent, minister and commissioner of the Tatsing empire, had the honor to receive the honorable Commissioner's despatch, (of the 16th August,) which he has perused and fully understands.

I have examined the treaty and find therein contained: "If the merchant vessels of the United States, while within the waters over which the Chinese government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, will arrest the said robbers or pirates, and will cause all the property that can be recovered to be placed in the hands of the consul, to be by him restored to the original owner. But if, by reason of the extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, then the law will take its course in regard to the local au-

horities; but the Chinese government will not make indemnity for the goods lost," &c.

Now, although there are numerous banditti at Shanghai, I, the minister, as behooves me, have directed the various local authorities, both civil and military, in the event of any case arising, instantly to manage it, and if there be any robbers, forthwith to arrest them, and exterminate the destroyers of human life, and tranquillize the good subject, both Chinese and foreign alike.

Moreover, the protection of that place of foreign trade is not unthought of, nor by chance uncalled for, which the honorable Commissioner ought also to understand thoroughly. If, according to his despatch, an inventory of property is to be made out, first giving due notice thereof, it will not prevent matters involving petty troubles, and it is apprehended also it will be difficult of execution. We have only carefully to guard the barriers at each of the ports, and *all* be on the alert for their protection, and the vagabonds within (i. e. upon the land) will not clandestinely come forth, and the plunderers from without (i. e. upon the water) will manifestly have no means of spying out. Let us firmly maintain the treaty, and perpetual will be our amity and friendship, as it is unnecessary to complicate everything by going beyond the treaty to that which it does not contemplate.

As requisite, I make this reply, and avail myself of the occasion to present my compliments, &c.

His Excellency HUMPHREY MARSHALL,
Commissioner of U. S. A. to China.

HIENFUNG, *3d year, 9th moon, 11th day,* (*October* 13, 1853.)

A faithful translation. PETER PARKER.

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No. 6.

(A.)—*Mr. Cunningham to Mr. Marshall.*

UNITED STATES CONSULATE, SHANGHAI,
October 14, 1853.

SIR: I have the honor to hand your excellency herewith a copy of a letter I have received from Woo, the late taoutae, announcing his resumption of office as collector of customs, but with a borrowed seal. With the letter is an English translation by the consular linguist, which will be found to be substantially correct.

I beg to be informed whether I am to recognise this officer, with the seal which he now bears, as the legal collector of customs for foreign shipping, that, if such is the case, I may take steps to enter into communication with him.

I have the honor to be your most obedient servant,
EDW. CUNNINGHAM,
Vice-Consul U. S. A.

His Excellency HUMPHREY MARSHALL,
United States Commissioner, &c., &c.

[Enclosure in the foregoing.]

Taoutae Woo makes this communication:

Whereas the Cantonese and Fokienese "small-knife" societies have committed depredations, and have taken the city and the seal of the custom-house, I have already reported it to the several high officers of the imperial government, and have received from the Governor E, and Viceroy *Hen*, a response that they have advised the Emperor to approve of my borrowing the Chang-chow-foo's seal temporarily for conducting official affairs, in order to secure against forgery. Consequently I beg to announce that the custom-house business is now carried on as usual, according to the regulations; but the former seal was discontinued on the 6th of September, and this seal comes into force on the 9th of October for stamping official documents. Therefore, it is my duty to let you know these circumstances, and to beg you to act according to this notification.

This is a most important communication.

EDWARD CUNNINGHAM, Esq.,
&c., &c., &c.

Mr. Marshall to Mr. Cunningham.

LEGATION OF THE U. S. A., SHANGHAI,
October 14, 1853.

SIR: I am in receipt of your note of this date, enclosing an official notification to you by Woo, Chinese superintendent at this port, that "the custom-house business is now carried on the same as usual, according to the regulations;" and that he is to employ the seals of Chang-chow-foo from the 9th of October, in order to prevent any abuse of the public by the unauthorized use of the seal formerly attached to his official acts. You desire to know "whether you should recognise this officer with the seal he now bears," &c.

I have no hesitation in responding affirmatively to your interrogatory; for in addition to the notification you have received from Woo, I have been officially notified by the governor-general of the Siang Kiang, that "Woo has been instructed to hasten back to Shanghai, and to attend to the management of the custom-house duties, and now these duties, relating to the several foreign nations, will all, as usual, be managed by Woo, the commissioner, and in conformity with the treaty stipulations," &c. I find the indentification of the officer thus rendered certain; indeed I never have seen any reason to question his legitimate authority to act in the office he has hitherto filled. Whether he shall employ one seal or another, or no seal at all,, is to foreign nations a matter of perfect indifference, unless they have been notified that *his seal* is requisite to authenticate his public acts. Commissioned by his Imperial Majesty to perform certain official functions, he has been heretofore recognised by the United States as competent to discharge those functions; interrupted in his office by force, he has been sent back to the theatre of his duty, accompanied by an official note to me from the viceroy, testifying his continuance in office. It only remains for you to

recognise his official acts over his signature, under whatever form he may indicate to you, as sufficient to testify their authenticity.

I avail myself also of this opportunity to request that, in resuming your official intercourse with the superintendent of customs, you will signify to him, in acceptable terms, the desire entertained by the authorities of the United States of America to render every accommodation in the transaction of public business which may, with propriety, be extended under the difficult circumstances which surround him. Those difficulties, so obvious to all persons in Shanghai, and the embarrassment they create in the due administration of public affairs by the existing government of China, so far from awakening a wish on the part of the United States to add to the confusion by presenting new obstacles to the transaction of business, augment my solicitude to exhibit, conspicuously, to all Chinese, under these circumstances, the *exact fidelity* of the United States to treaty engagements, and the scrupulous observance by their public authorities and private citizens of the neutrality, in the domestic troubles of foreign nations, which the United States profess as a leading feature of their public policy.

I am, sir, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

EDWARD CUNNINGHAM, Esq.,
United States Vice-Consul, &c., &c., Shanghai.

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(B.)

LEGATION OF THE U. S. A., SHANGHAI,
October 24, 1853.

SIR: I received by the mail the answer of the imperial commissioner to my notification to him of the state of affairs at Shanghai. His excellency, after alluding to directions he has given for the prevention of robbery, &c., at Shanghai, says, "the protection of that place of foreign trade is not unthought of, nor by chance uncared for, which the honorable Commissioner ought also to understand thoroughly." I infer that his excellency means to assure me, politely, of his entire readiness to attend to the public interests committed to his charge. Connecting this communication with that received from his excellency Eleang, governor-general of the Siang Kiang, and that addressed to you by Woo, Chinese superintendent of customs, some ten days since, there seems no longer to be any propriety in continuing the "provisional regulations" which you issued on the 9th of September. They have performed their office. It was, of course, never intended that their effect should be extended beyond a time sufficient to afford the Chinese government a chance to recover from a blow unforeseen and unexpected. It was considered, as a matter of national comity, proper that the authority of the United States, instead of exhibiting indifference to the execution of the treaty, or any desire to seize the emergency to win advantages in the prosecution of trade, should shape their proceedings to afford to China a chance to recover what is justly hers according to the treaty. The resumption of their public functions by *the Chinese officers* having been advertised to me, a further contin-

uance of the provisional regulations would be only compatible with an attempt to enter upon the administration of Chinese affairs—a performance I have no idea of engaging in.

It will be proper, however, that in withdrawing the regulations, you should adopt some equitable terms for those who may have partially laden their vessels prior to your notification of our return to former practice under the treaty.

I am, &c., &c.,

HUMPHREY MARSHALL.

EDWARD CUNNINGHAM, Esq.,
Vice-Consul U. S. A.

(C.)—*Mr. Cunningham to Mr. Marshall.*

U. S. CONSULATE, SHANGHAI,
October 28, 1853.

SIR: Under your instructions of the 24th instant, I formally notified the taoutae, Woo, on that day, that the provisional regulations for the clearing of American ships would cease on the morning of the 28th, and requested him to appoint a place for the transaction of custom-house business. I subjoin copies of my letter, and of a circular addressed at the same time to American residents.

Woo replied, on the 26th, that a fleet of war-boats would soon appear, when he would establish his custom-house, and begged me meantime to continue the provisional arrangements. I answered that I had already notified my countrymen that they would cease on the morning of the 28th, and that the notification could not be withdrawn. He again wrote on the 27th, repeating what he had before said; and in return I sent my card, earnestly reiterating the determination to which the United States authorities had arrived, and recommending him to appoint a place without delay. I have heard nothing further from him, and I now await your instructions as to the course to pursue in case any American vessels are presented for clearance to-day, which I know will be done.

I have the honor to remain, sir, very respectfully, your most obedient servant,

EDW. CUNNINGHAM,
Vice-Consul United States of America.

Hon. H. MARSHALL,
Commissioner of the United States, &c., &c., &c.

[Copy of letter enclosed in the above.]

UNITED STATES CONSULATE, SHANGHAI,
October 24, 1853.

I have as yet received no communication from you in answer to my last letter, requesting you to indicate the locality where your officers would attend to the collection of foreign customs.

You are of course aware that the provisional arrangement established by me, with the sanction of his excellency the Commissioner of the United States, was only to cover a sudden emergency, and that it was by no means contemplated to make the United States officers collectors of the imperial revenue for any time beyond the short space required for the imperial officers to re-establish themselves with sufficient force to carry on their duties without interruption. That time has passed. You are here with a military power strong enough to give you security; the viceroy has notified the United States Commissioner, and you have notified me that you are ready to renew your functions. I cannot any longer retain the responsibility of acting for you, especially as the danger would be incurred of giving grounds for a supposition that the United States authorities would at any time undertake the care of the revenue from American commerce whenever circumstances rendered it inconvenient or impossible for the Emperor's officers to perform their duty.

This was never contemplated in taking the recent steps, the only object being to give time to recover from an unforeseen and unexpected emergency.

I have therefore now to say, that I consider the time has come for me to notify my countrymen that the provisional arrangements have ceased, and that they must perform the custom-house business with your officers wherever they are to be found.

I shall delay their revocation for three days, to give time for your answer, which I trust will indicate the place where the business can be transacted.

As it seems just that those who have commenced to load their ships under the provisional regulations should not be placed at disadvantage with others who have just despatched theirs, I shall allow such ships as are partly loaded the option of clearing under the said regulations or through your custom-house; but for all others, and for them also, if they choose the latter course, you must depend for the collection of their duties upon your own officers.

EDW. CUNNINGHAM,
Vice-Consul United States of America.

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[Circular enclosed with preceding.]

To the American mercantile community:

Under the instructions of his excellency Mr. Marshall, the Commissioner of the United States, the undersigned has addressed the accompanying letter to the taoutae, Woo, collector of customs, &c., requesting an immediate answer to a former letter acknowledging the right of Woo to collect the imperial duties from American vessels, and requesting to know the locality where the custom-house officers would be established for the transaction of business.

The undersigned circulates the letter for the information of his countrymen, and has to inform them that the provisional regulations will cease on the *morning of the* 28th, before which time he hopes to have

the pleasure of informing them of the re-establishment of the Chinese custom-house, and the locality chosen for that purpose.

They will observe by the letter to Woo, taoutae, that vessels already partly laden will have the option of clearing under the provisional regulations, or through the custom-house; and, in order to give effect to this provision, he recommends that all consignees of such vessels should give notice of the fact to him prior to the morning of the 28th.

EDW. CUNNINGHAM,
Vice-Consul United States of America.

UNITED STATES CONSULATE, SHANGHAI,
October 24, 1853.

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Mr. Marshall to Mr. Cunningham.

LEGATION OF THE U. S. A., SHANGHAI,
October 28, 1853.

SIR: I am in possession of your note of this morning, requesting my instructions "as to the course to pursue in case any American vessels shall be presented for clearance to-day;" the provisional regulations issued by you some time since having been withdrawn from and after this date.

It is said in your circular to our countrymen, dated the 24th instant, "that vessels already partly laden will have the option of clearing under the provisional regulations or through the custom-house."

Should any master who wishes to depart to-day, or shortly, desire to clear under the provisional regulations, his case being embraced by your declaration above, there will be no obstacle to the clearance upon the execution of the usual obligation according to the provisional rules.

Should any master desire to depart, choosing to pay to the Chinese superintendent of customs the duties upon cargo in sycee or money, according to the treaty, and professing to be hindered by the absence of the Chinese superintendent of customs from his place of business, you will receive the formal declaration of such master, stating the fact that his ship is laden and ready to depart, and that he desires and is prepared to pay $——— (naming the amount) to the Chinese superintendent of customs for this port as duties due upon his cargo; also the reason which obstructs him in the execution of his purpose.

I advise you to send to the Chinese superintendents of customs this application for the ship's register and accompanying declaration, and make upon him your own official demand that he shall receive the duties tendered and give the port clearance, in order that you may deliver the ship's register and permit her to depart.

As there is no legal obstruction known to me which prevents the superintendent from attending to his official function, and as China has force sufficient to remove any illegal obstruction, I see no excuse or apology for any longer delay in resuming his office and establishing himself in proper place of business. A continued delinquency on his part seems inexcusable, and as trifling with the interests of citizens of

the United States who are desiring to observe all the requirements of our treaty stipulations. Therefore you will name an hour of the day for him to deliver the port clearance on receipt of his dues, and notify him that in case he fails you will protest against his violation of the treaty in attempting by such conduct to lay an embargo upon American ships in this port, and that you will permit the vessel to depart on her voyage.

The circumstances under which you are acting are extremely difficult. The usual course in such cases would be to place the vessel on demurrage at the expense of the Chinese government; but the immense value of cargoes of the costly exports from China, and the importance of time to the exporters, together with the prospect of finding an unwilling or insufficient security in the government of China, forbid a resort to that measure, unless the superintendent of customs, who seems anxious for a few days' further time, shall consent to assume on the part of China to pay a fair demurrage for any vessel to be delayed by his delinquency. In that event you might agree to detain her on demurrage so long as the duty payable on the cargo would meet it, which would afford him the opportunity required. Should the superintendent fail, under your notification, to come forward to receive the duties and to give the port clearance, as required by the treaty, or to make arrangements to pay the demurrage on the vessel for a few days, in case of her detention you will procure from the master a memorandum of his cargo and of the names of the shippers, with the gross shipment of each respectively, to be retained for the information of the United States; and after entering your protest for a violation of the treaty by the Chinese authorities, you will deliver the register to the captain, that he may depart on his voyage.

I am, sir, &c., &c.,

HUMPHREY MARSHALL.

EDWARD CUNNINGHAM, Esq.,
U. S. Vice-Consul, Shanghai.

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(D.)—*Mr. Marshall to Mr. Cunningham.*

LEGATION OF THE U. S. OF AMERICA, SHANGHAI,
October 19, 1853.

SIR: My attention has been called to a paper purporting to be a translation of a communication made by Lew Ayun, the rebel commandant in the city of Shanghai, to the consuls of foreign powers, in which he complains of certain transactions between yourself and the imperialists as a breach of the neutrality professed by the public authorities of the United States.

Having observed that my own name, though rather awkwardly, in said paper, is connected with these affairs, as though I was cognizant of improper intercourse between yourself and the imperialists, and of secret assistance which you are rendering to their cause, I feel that it will be proper to request an official statement of you of all the facts of whatever transaction has taken place in regard to the guns of the An-

telope, and of the extent of your intercourse with the belligerents, since the institution of the siege at Shanghai.

I will observe that, in requesting this statement, I entertain no idea that your conduct as a public officer or private gentleman has compromised the neutrality which I have so frequently and on all occasions urged upon citizens of the United States as the true line of conduct to be observed by them, but rather to afford the means of foiling any who, from a base purpose, may desire to make unfavorable impressions against the public agents of the United States in China by circulating elsewhere this document, which bears on its face a strong internal evidence of a *foreign authorship*, though it has a *Chinese paternity*.

I am, respectfully, your obedient servant,

HUMPHREY MARSHALL.

EDWARD CUNNINGHAM, Esq.,
Vice-Consul U. S. A., Shanghai.

Mr. Cunningham to Mr. Marshall.

UNITED STATES CONSULATE, SHANGHAI,
October 19, 1853.

SIR: I have the honor to acknowledge the receipt of your letter of today, and to give the statement you request.

On the afternoon of the 8th of September, a Chinese linguist, employed in the Chinese custom-house previously to its closing, applied to me for the loan of $500, to pay off dues to sailors and artisans who had been at work on board the Antelope, and for which debts they considered him personally responsible, as he had engaged them. He said he had sent in his accounts to the taoutae on the 6th day before the capture of the city, and was to have received the money the next day: that he was now without a dollar, and without resource. I answered that, though always glad to help a respectable Chinaman in difficulties, I could not give so large a sum as $500 without some security. He said he had nothing to offer but the guns of the vessel, but would put them in my go-down if they would answer; and accordingly, that afternoon, with his own coolies, he placed there sufficient of her armament to secure the loan, and my compradore gave him the money.

Some time after—perhaps a week, perhaps two weeks—he came to me to say that the rebel chief had sent him a threatening message with regard to the Antelope, requiring him to deliver her up and discharge the three or four foreign sailors on board; and asked my advice. The Antelope was still lying in her old berth in front of the Chinese custom-house, and accessible to anybody.

I recommended him to answer that he was not holding her for the taoutae, that the three or four Europeans were only to preserve the property from night-thieves, and that he could have her by sending a proper officer with men. He went away, and told me subsequently that he had so answered.

No officer was sent, however; and the message was probably occasioned by the unfurling of the Antelope's sails to dry, it being a sun-

ny day after a protracted rain. The vessel was entirely in the hands of the taoutae's agent, who hired and paid the men; nor had I connexion with her in any manner. After the siege by the imperialists commenced, the linguist brought the $500 and took away his security. I am really ignorant whether he remounted them in the Antelope, or took them elsewhere.

As regards intercourse with the belligerents, it has been entirely confined to notes to the chiefs on both sides, requiring attention to the safety of American missionaries, written at their requisition on certain reasonable occasions. Being in an official position, I have not, like the rest of my fellow-residents, indulged a natural curiosity in visiting the works of either party, but have studiously kept aloof.

I am obliged for the expression of your opinion regarding my conduct, and feel that it is deserved, as I have not by word or deed infringed upon the strict rule of neutrality established by you on behalf of the United States.

I think it is not out of place to state, as an evidence of my personal feelings upon the subject, that I have in my possession, as a merchant, two heavy Paixhan guns, with their complement of shot, for which both sides have offered an excessive price, but which I refuse to sell, as only likely to increase the misery suffered by the wretched inhabitants of the city.

Over these I have control; but I could not keep the property of others, placed in my hands as security, when the pledge was redeemed.

I have the honor to be, sir, very respectfully, your most obedient servant,

EDW. CUNNINGHAM,
Vice-Consul U. S. A.

Hon. H. MARSHALL,
U. S. Commissioner, &c., &c.

[Official—No. 35.] MACAO, *November* 21, 1853.

SIR: I arrived at Hong Kong on the 8th of this month, having made the passage from Shanghai in the British merchant-steamer Lady Mary Wood. That vessel anchored in the harbor of Amoy for several hours on her trip, and I had an opportunity to learn the condition of affairs in that vicinity.

Since June last, the disturbances have continued at Amoy; but since the 1st of October the combats have been frequent, and sometimes well contested, between the imperialists and the insurgents. The investment of the place, both by land and by sea, became so close, that the insurgents found great difficulty in procuring subsistence. The masses of the Chinese people being averse to the movement, or at any rate indifferent to the success or defeat of the rebels, rendered the insurgent chiefs conscious of the hopelessness of their cause; and when I left Amoy, though the firing was sharp and continual, it was understood that the evacuation of the city was to be expected daily. It was abandoned on the 9th, and re-entered by the imperial troops. The insurgent *chief escaped* by sea, with a large number of his follow-

ers; and those who were left behind were put to the sword without mercy. The British naval commanders in port at length interfered to prevent a continuation of the massacre of miserable creatures who had been *hired* to fight, but who had no political views in entering upon the contest.

Amoy had been very much injured by the shot. Ruined houses, fresh graves, paralyzed trade, remain the only visible results of the protracted contest. The imperialists having retaken the town, and the rebels having fled from the vicinity, there is no probability of a renewal of insurrectionary movements in that quarter. The Amoy insurrection was merely local, and the chief at Amoy had no connexion, known to the public, with the insurgents who occupy Nankin and Chinkiangfoo. The contrary was asserted with such confidence by Commander Fishbourne, of her Britannic Majesty's navy, that I mentioned it to you on his authority, in my despatch No. 19; but he was mistaken.

Shortly after my arrival in this section I went to Canton, and remained there several days to learn the state of affairs from my own observation and personal inquiries. The Chinese say there is no danger of an insurrection at Canton, unless news of the fall of Pekin and of the flight of the Emperor shall arrive in such form as to command general credence, and then Canton will pay homage to the victor. But until such a manifestation of real power shall have been made by the pretender to the throne as will prove his capacity to assume the empire, and the probability of his maintaining his supremacy, the Cantonese will observe their present allegiance. Men of property and capital are resolute in opposition to every design to make Canton a theatre for this civic strife. The police is vigilant, active, and strong, and the administration of his excellency Pih, governor of Kwang Tung, is said to be energetic and firm. The governor-general of the Liáng Kwáng (who is also imperial commissioner for foreign affairs) has credit for a determination in the exercise of his official functions which amounts to severity. The foreigners at Canton, though uncertain, of course, what any day may bring forth, are not so apprehensive of disturbances at Canton as I had been led to imagine their fears to be. Prior to my arrival the American merchants at Canton suggested to Commodore Perry the propriety of chartering a small British steamer for their protection—if it was his purpose to take all the squadron on his second cruise to Japan—and he has complied with their wishes. She has left this place to-day to relieve the Supply, and will be anchored off the factories. Though this force is unequal to a defence of American property at Canton, it may serve in an emergency to bear away the women, children, and treasure to this place. As the merchants at Canton appear satisfied with the arrangement, and as no suggestion from me would induce Commodore Perry to add to the force, (and *it may be sufficient,*) I shall not interfere with it.

The prospect of quiet at Canton derives strength from another fact of which I am advised. The lines of commercial travel from Kiangsi are said to be now clear of obstacles and secure. I saw a letter to one of the principal shippers at Canton which stated that, now, large additional quantities of teas were on the way to Canton for export. This diversion of shipments is made from Shanghai, and proves the sense of

security which is felt in the stability of the administration here, and the want of it there. It may also result from the extraordinary attempt of foreign merchants at Shanghai to consider that *a free port*, and from the subsequent course of the British consul at Shanghai. The disturbances near the Bogue forts have also been quieted by the imperial officers, and several of the principal offenders have been delivered at Canton for punishment.

On my voyage hither, I passed a fleet of about thirty "west coast boats," filled with imperial troops, destined to Shanghai; and as the fleet had already arrived from Chinkiangfoo, I presume the investment of Shanghai, by water and by land, will henceforth be very close, until the insurgents quit the place, which they would have done some time since, in my opinion, but for suggestions and indirect interference by those whose legitimate duty should have prompted a faithful non-intervention and neutrality.

All persons here agree that the rebel army of taipingwan, now in the north, will *not* reach Pekin this year; but they seem to form no ideas from the course of the campaign. I submitted my views to you *in July* as to the probable course of the campaign in the north, from my study of the topography of the country, and my conversations with intelligent Chinese; and results have proved my estimates correct in every particular, as to the plans of the invading column, and the direction of its approaches to the capital. I think that the rebel army has suffered a series of disasters this fall, and in all probability the column of operation against Pekin is disorganized and lost. This is, however, a mere speculation, based on the fact that, after the abandonment of the descent of the Eucho river, instead of resuming the siege of Kaifung and occupying the line of the Yellow river, the rebel forces entered the mountainous parts of Shansi, quite in the rear of their first line of direction assumed after crossing the Yellow river, and they appear to be occupied in the capture of unimportant towns, which have no relation to any known avenue leading to the capital of the empire. This employment in September, persuades me that a partial dispersion of the column had occurred after the events I have heretofore alluded to, and that probably the rebels were in mere marauding bands, plundering for temporary subsistence, and acting quite independently for the time: if not dispersed, from a loss of the first enterprise, they are making their way to some rendezvous in a new section, whence to sweep down on Pekin by an undefended avenue to it. But the last idea seems less probable than the first. My original hypothesis was, that the great causeway leading to the southwest was to be gained, a mounted force was to be organized, and the capital would be approached simultaneously by the canal and the road. The failure to turn Lintsing, the order to Loo to advance from Chinkiangfoo, and the present or rather the September advices as to the section in which the rebels were then operating, lead me to infer that they have now determined to quarter themselves in the mountainous parts of Shansi and Shensi—probably to await a more favorable season to approach Pekin, or that the division had been disorganized and dispersed before Loo's arrival to take command of it. Certainly the cause of the rebellion seems now to be on the wane, and I *shall not be surprised* that they who have awakened the absurd con-

ceptions of the Chinese rebellion which distinguish European and American publications on the subject, should, in their depression, under these palpable reverses, fall as far below just inferences from facts as heretofore their prurient enthusiasm has induced them to go beyond them. There is very great difficulty in forming correct ideas of anything that is agitating the Chinese, for I am convinced that Chinese writers and teachers not unfrequently ascertain just such information as they perceive, from the predisposition of their master or foreign employer, will suit the taste of the party desiring information. The "news" so acquired, with all the extravagant deductions from it that zeal for the cause will naturally draw, is submitted to the western world, and by the time it has been polished with editorial varnish, and adjusted to suit the Christian predilections of Europe and America, the image is thrown back upon Asia, and we look upon it here with wonder. *It is the figure of the mirage*, enlarged, inverted; nothing scarcely like the real China, and more a work of fancy than reality. It is my aim to keep the government of the United States advised correctly, and to prevent the action of the government from being based on information *that is not sound or true.* Hence I guard you against the acceptance of miscellaneous authority for your ideas of events or the tendency of events in this country. I have nothing to do with the press or with the effect produced upon private circles by letters written from China. The missionary may believe that China is already evangelized, and the political dreamer may see through the mists of the future republican equality, free trade, and other political benefits. *I* have only to make the administration understand that, in my opinion, *these are extravagances, which are unsafe conclusions for the statesman, from the existing state of facts here; and that, in forming his views and combinations, he should accept the supposed tendencies of this rebellion to either religious or political ameliorations as elements so remote as to have very slight effect upon his calculations.*

The voice of the western press, the ardent enthusiasm of the western people for the rebellion, (animated by the supposition that the moving power of the rebellion is a Christian fervor and a wish to establish the Christian church,) will reach the Chinese, more or less, and you perceive the effect upon Chinese policy. They who adhere to present forms of worship, who are educated at the feet of Confucius and Mencius, will find strong arguments in this exhibition of western feeling to induce them to oppose any enlargement of intercourse with western nations. They who hold rank privilege under the empire will see in the abhorrence entertained for their system, and the ready interference with their rule, reasons to anticipate their own downfall, unless foreigners shall be restricted to the smallest limits within which they can be confined. On the other hand, if the revolutionists are intent upon a mere acquisition of power, without an essential change of government, they will use foreign influence only as a disturbing element to annoy this government, without committing the insurrectionary chief or chiefs to any future enlargement of privileges to foreigners within the realm of China, and without any binding obligation to modify the unwise commercial restrictions which now close China against the rest of the world. I presume you will already have seen, from Sir S. G. Bon-

ham's despatches to the Foreign Office detailing the incidents of his voyage to Nankin in April last, that the new Emperor, as he is sometimes called, assumed a tone quite as arrogant and exclusive as ever characterized the court at Pekin. The British minister was told to address "by petition" his wants, and they should be considered. Responses were returned to him as "decrees;" universal dominion was asserted for his new celestial majesty; in fine, you cannot fail to see that the assumptions of the rebel court prevented a personal interview between Sir S. G. Bonham and the rebel chief, and that the former returned to Shanghai little wiser than he went, *unless he formed a secret convention with his rebel majesty's minister of State.*

I have had the strongest inclination, during the whole summer, to ascend the Yangtze-Kiang, to find out something of the purposes of the taipingwan more definitely than any information now possessed, as a *guide for my own sympathies*, and as proper to be known by you in determining the future policy of the United States. But I have been without the means of locomotion, and have been reluctantly compelled to see opportunities which would have been excellent and justifiable for such a visit, pass by unimproved. The *British officials* have gone to the rebel camp again and again; but I have no subordinates, and no means or right to employ such officers in connexion with this legation. The interpreter, as you have seen, considers his acceptance of office conditional on his continued residence *at Canton.* Besides, as the secretary of legation, I could not expect or desire him to be employed as was Mr. Meadows, and as are others in her Britannic Majesty's service, continually.

You have already seen that the imperial commissioner Yéé informed me he is to continue to discharge the duties of the office of commissioner for foreign affairs, and that he desired my return to Canton. I thought a visit from Shanghai to this quarter would be proper, that I should meet my successor immediately upon his arrival. In addition, I thought it might be productive of good that an interview should take place between the imperial commissioner and myself in regard to the manner in which the disputed construction of the treaty should be arranged, and as to the proper accommodations to be furnished to the Commissioner of the United States for his official residence. Also, I desired to be convenient for the discussion with him of such questions as will spring up under the strange course of the British consul at Shanghai. I desired to confer with the commodore, to learn, if practicable, what extent of co-operation I might calculate upon from him, and to learn, if practicable, the views of the British minister and governor of Hong Kong as to the best mode of accomplishing the objects referred to in your last letter of instructions, (No. 8.)

While your determination as to the choice of my successor remains in abeyance, I can do little more than preserve the *status quo* of the legation, and to exert myself to preserve the treaty inviolate. If circumstances should favor my obtention of any modifications of the restrictions by China upon western commerce, I shall not fail to improve them.

You will do me the honor to inspect a correspondence between the vice-consul at Shanghai and myself, which occurred immediately be-

fore my departure from Shanghai. It is submitted with this paper, and in the succeeding paper I shall enter upon an explanation of the views I take of the subject which gave rise to it.

I have the honor to be, sir, your very obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State, Washington city.

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Mr. Cunningham to Mr. Marshall.

U. S. CONSULATE, SHANGHAI,
October 31, 1853.

SIR: I beg to lay before you a letter addressed to me this day by four of the American firms of this place, protesting against the recognition of the Chinese custom-house in its present locality, and handing copies of correspondence with the representatives of other foreign nations at this port.

I have the honor to remain, sir, very respectfully,

Your most obedient servant,
EDWARD CUNNINGHAM,
Vice-Consul of the United States of America.

His Excellency the Hon. HUMPHREY MARSHALL,
Commissioner of the United States.

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SHANGHAI, *October* 31, 1853.

SIR: We beg to enclose, for your information, copies of letters which we have received from the representatives of Great Britain, France, Portugal, Holland, Prussia, and Hamburg, in reply to our inquiry, whether, "in case we desired to ship in vessels under any of the above flags, the said representatives recognised any custom-house establishment; and if so, where situated?"

You will observe that all have replied in the negative; and such being the case, it is not unreasonable in us to demand that American vessels be placed upon the same footing. By the course you have adopted, American vessels are effectually debarred from procuring freights at this port, as it is not likely that any shippers will be found willing to pay duties in sycee, when, *under any other flag*, they can clear their ships by granting promissory notes, respecting the ultimate collection of which, strong doubts are entertained.

From the tenor of your public notifications, we learn that your proceedings are sanctioned by his excellency Col. Marshall, who, we understand, leaves this port per steamer. We have, therefore, respectfully to request that you will immediately lay this case before him, and in the mean time, on the part of our constituents, as well as ourselves, we have to record our solemn protest against your recognition

of a floating custom-house, which may be driven away at any moment, as an act seriously detrimental to American interests.

We are, sir, your most obedient servants,

AUGUSTINE HEARD & CO.,
SMITH, KING & CO.,
WETMORE & CO.,
BULL, NYE & CO.

E. CUNNINGHAM, Esq.,
U. S. Vice-Consul, Shanghai.

NOTE.—The letters of the consuls are not copied, because they merely declare that the writers have not yet been notified of the establishment of the custom-house at Shanghai.

H. M.

Mr. Marshall to Mr. Cunningham.

SHANGHAI, *November* 1, 1853.

SIR: I received last evening your note, which encloses a communication from several mercantile firms of this city, composed of citizens of the United States. This letter *demands* that American vessels shall be placed on the same footing with the vessels of other foreign powers, by a change in the policy I have heretofore instructed you to pursue. In other words, it is a demand that you shall refuse to recognise the right of the Chinese superintendent of customs to collect duties at Shanghai, according to treaty stipulations and the former practice.

You will communicate to those citizens that their demand cannot be complied with, and that I see nothing in the correspondence they have requested you to submit to my perusal which sheds any new light upon the path of my duty. The letters of the consuls fall far short of the point from which an inference can be drawn that they will disregard such regulations as shall be established for the collection of the Chinese customs. They merely state, that as yet they have not been notified, officially, of the re-establishment of the custom-house, or the place of business of the superintendent of customs. *You have been*, and that makes the difference between your case and theirs.

Whenever there shall be a practical discrimination against American tonnage by the Chinese authorities at Shanghai, there will be found in the treaty such provisions as will enable me to apply an ample remedy without delay, and without loss to the shipping interest of the United States, and it will be my official duty to do so. At present, I see no sound reason to apprehend any danger of such result. I recognise the superintendent of customs at Shanghai as properly qualified to collect the revenue at this port, and it is my wish that the public authority of the United States in China should afford all proper facilities to him and his official subordinates in the transaction of business.

It is my purpose to perform, punctiliously, every obligation assumed by the United States by the treaty, and to refrain from embarrassing the public administration of Chinese affairs by throwing unnecessary ob-

stacles in the way. No precedent, no example furnished by other powers, will induce me to forego the faithful and honest execution of our plain international obligations.

I am, &c., &c.,

HUMPHREY MARSHALL.

EDWARD CUNNINGHAM, Esq.,
Vice-Consul U. S. A., Shanghai.

[Official—No. 36.] MACAO, *November* 26, 1853.

SIR: This communication contains my reasons for requiring shippers on vessels of the United States to arrange for the ultimate payment of the duties due to China before their vessels departed from Shanghai since the capture of the city by a band of insurgent Chinese.

1. The requisition was proper under the treaty.

Prior to the war with Great Britain the foreign commerce of China was conducted only at Canton, and by commercial monopolists, called "the *Hong merchants*," who paid a rent for their privilege of monopoly, and stood bound jointly as sureties for the good behaviour and punctuality in pecuniary transactions of all foreigners in the port of Canton and adjacent waters. When China and Great Britain made peace, the Hong monopoly was abolished by the treaty, and, in lieu of it, Great Britain obtained a system of duties on imports and exports, arranged according to a tariff, which was made part of the treaty. But in this arrangement Great Britain *guarantied to China* the payment of all duties due for imports or exports on British bottoms, and contracted to pay the same whether the shippers were able or not, and though the vessel might have left port. Under the rule so established, the Chinese were in the habit of extending credits for the duties to foreign merchants, relying on the obligation of Great Britain to pay any deficit on the part of those who employed Birtish shipping. When the treaty between China and the United States was formed, a general obligation on the part of the latter was entered into, which it is natural to suppose that the Chinese commissioner understood to import a promise at least as broad as the language expresses, for *he* read it by the light afforded by the treaty with Great Britain, and practice under that instrument. The second article of the treaty between the United States and China contains this stipulation:

"The citizens of the United States resorting to China for purposes of commerce will pay the duties of import or export prescribed in the tariff which is made part of this treaty." The power to enforce this agreement was left in the hands of the United States, to which China confides jurisdiction over all citizens of the United States in China, and the enactment of laws to compel their obedience to her regulations. Had the foregoing obligation stood alone in the treaty, the office of prosecutor for infractions of the Chinese revenue laws clearly would have been devolved upon the consul of the United States. To avoid *in practice* the inconvenience and burden which would result from the *operation* of the second article, Mr. Cushing ingeniously introduced *into* another part of the treaty a cash system of duties, which devises the

modes of ascertaining the amount of the dues on cargoes, the medium in which they shall be paid, and the time when and the persons to whom they shall be paid. This specification of particulars in the treaty produces exactly this legal effect: though the general obligation of article two remains, if the Chinese officer of customs shall not pursue the modes of collection pointed out in articles ten, eleven, twelve, and thirteen, the responsibility which might have attached to the government of the United States will be lost; if he does pursue the mode pointed out, no liability can arise to the United States. In other words, if the Chinese revenue officer collects the duty on imports at the time of landing the cargo, and on exports at the time of lading the ship, in sycee, or coin, at its exchangeable value, the government of the United States cannot run any risk as a guarantor; and if he departs from this mode, the government of the United States could under no view of the treaty be held (as Great Britain was) responsible to pay the amount of the duty. Still the obligation of the second article will remain, and the duty on which the superintendent of Chinese customs might extend *a credit* could be collected in the consul's court as any other private debt; but he would have lost *the lien upon the goods*, and the claim would not be privileged or entitled to priority in case of the bankruptcy of the shipper.

As there can be no doubt that the government would be released from responsibility under article two when the Chinese collector departs from the mode of collection pointed out in the treaty, so there can be as little doubt, in my opinion, that the government would be equitably bound for the amount when, without *fault on the part of the Chinese officer*, the citizen of the United States departs from the port without paying his duties, *with the privity and assent of the government of the United States represented here by their consul.*

The most restricted sense in which the article two (quoted above) can be read, imports an obligation to *enforce the payment* of the duties by citizens of the United States resorting to the Chinese ports for purposes of commerce.

Would the President of the United States consent that I should read *such* an obligation as consistent with a permission to those citizens to leave the Chinese ports without settling the duties, and with my full knowledge of their purpose, *provided they could evade the vigilance of the Chinese officers?* Is the obligation to enforce a duty consistent with an abetting of a party in a violation of that duty? Would any court in the United States justify a man who, having rented a pasture ground from his neighbor for one purpose, should knowingly suffer his own stock to breach the fences and depasture other closes of that neighbor without attempting to control them, merely because his neighbor was not present to make complaint of the trespass? It is a paradox to say that the United States will enforce the payment of duties to China from their citizens according to the tariff of the treaty, yet can innocently be privy to the departure of those citizens without the payment of the duties, provided they can escape from the Chinese collector. That would be to measure the force of the agreement only by the vigilance and ability *of the other party* to detect attempts at the evasion of the covenant. *Whatever may* be the conduct of a government in its intercourse

with other nations, there surely can be no apology for cheating itself into the belief, when in self-communion as to its real obligations, that so lax a reading of its contracts is either moral or honorable.

The duty of the United States under the treaty with China is to be distinguished from their duty in other cases. Here the part they are to play must be active—in other cases it may be passive. In most countries the government seeks no aid in the execution of its revenue laws. The law-making power prescribes the rule, and enforces it on all persons by penal sanctions determined by the government, and through its own ministerial agents. Hence, in such cases, the United States are only called upon not to abet their citizens in a violation of such laws; not to interpose to shield them from punishment when charged with an infraction of the laws of such countries before the tribunals. In China, *the power to enforce her laws against citizens of the United States has been granted to and assumed by the United States.* Here the United States have expressly undertaken that the citizens of the United States will pay the duties due to China, that they will provide the laws to compel the performance of this obligation, and that they will enforce a penalty for the violation of the law. It cannot be consistent with such a position that the United States may know of the departure of their citizens without paying duties, in open disregard of the law of China, yet should make no effort whatever to prevent the violation of the law over which they are the constituted guardians appointed by the treaty.

Easy casuists say the United States are not required to know anything of the non-payment of the duties, unless complaint shall be made by the Chinese officers; that it is the duty of the Chinese revenue officer to be present and to attend to the collection of the duties while the ship is lading; and should he be absent, the United States consul need know nothing of the business, and should not trouble himself about the affair.

I have already answered this view, but it contains one or two radical errors of assumption I beg to notice:

1. It is a mistake to suppose the consul can escape the full recognition of his duty *on the plea of ignorance of the transaction.* The machinery of the treaty is so constructed as to bring the knowledge home to him in every instance. Thus, when a vessel enters port she shall not discharge her cargo until *the consul* shall have made to the superintendent of customs "*a true report of the cargo on board,*" when the superintendent will issue *his permit for landing it.*

2. When the master shall present a port clearance, signed by the superintendent of customs, *stating that all the duties have been paid,* "*and not before,*" the consul may deliver the ship's register to the master, that she may depart on her voyage.

3d. The consul of the United States shall make an annual return *to the governor-general* of the number and tonnage of vessels of the United States which, during the year, have entered or cleared his port, and of the amount and value of the imports and exports on American vessels.

When the master demands his ship's papers from the consul, and fails to present the port clearance stating the payment of duties, that officer cannot, according to the strict letter of the treaty, give up the register, or permit the ship to depart. If he has not possessed himself

of the knowledge of the amount and value "of the exports" by such vessel, he is now to acquire it. Possessed as he is necessarily of a knowledge of the amount and value of the lading, of the fact that duties have not been paid, of the fact that the United States have stipulated that citizens of the United States shall pay them according to the treaty, and hold in their hands the only power of enforcing such payment; should he deliver the register without making any requisition of an arrangement to meet such duties, when properly called for by China, it is my opinion that he would render the government of the United States or himself equitably liable to the Chinese government for the loss, *provided the Chinese officers had not wilfully neglected their own duty.* Were the rule otherwise, the surrender of jurisdiction by China of the means of compelling obedience to her revenue laws would be a very unjust and unwise provision. When I am told that the Chinese officer should have been present at the lading of the ship to collect his duties, I retort with the inquiry: *How does the shipper derive his right to put a box of tea or a bale of merchandise on board his ship for export, until he has procured permission to that effect from the Chinese revenue officer?* He has not such right as a shipper or master. When he desires to take a bale of merchandise on board, it is his duty to apply to the custom-house for permission, and to leave the proper memorandum—in other words, *to pay the export duty;* and if there is no custom-house officer to grant such permission, and to accept the duty, it is the duty of the shipper *to apply to the consul who represents his own government* for directions how he may proceed under such circumstances; and every step taken in the absence of such consular permission is an illegal step, not within the legal competency of such master or shipper. It is for the consul to look at the circumstances which thus obstruct the regular and usual operations of business according to the treaty, and to determine the course that is called for under the existing state of affairs. That course involves his official responsibility to his own government, and to that with which his duties bring him into contact. It is for *him*, then, to measure his official action, and to direct the action of the citizens of his country; otherwise the courses of masters and shippers would be as various as their caprices, and there could not justly be a responsibility for them upon the public officer. The anxiety to get away immediately from Shanghai without paying duties, induced the omission of this preliminary duty by masters and shippers, and has led them to regard the dispositions which have been directed by the vice-consul *as invasions of their rights and privileges.*

Had such application been made to the vice-consul—that a shipment was desired, and that the Chinese collector was not present to perform his duty, or that from any other cause the regular lading on payment of duties according to treaty could not be proceeded with—it would at once have been perceived that an arrangement to meet the duties was proper under the circumstances attending the case, for that the failure of the Chinese superintendent occurred under a *vis major* he could not control, and did not result from a wilful departure from the treaty engagement.

2. The measure was then proper *as a matter of sound policy*, and of liberal construction of consular duty under the circumstances.

I will not enter upon a repeated detail of the events at Shanghai in September. Suffice it to recapitulate facts which bear upon the proposition now under consideration.

The city had been captured without resistance by an armed band of Chinese adventurers, generally from Canton or the province of Fokien, whose occupancy of it was matter of perfect uncertainty. The factions among these insurgents were in hostile array against each other within twenty-four hours after their entry into Shanghai, and the design at least of a moiety of this force was no more than a resistance to the laws for the sake of plunder and pillage. This force had no connexion with any organized insurrection against the empire—met with no sympathy or assistance among the respectable Chinese at Shanghai or its vicinity. These insurgents did not claim the right to levy duties upon foreign commerce; nor had they interfered with the custom-house, where those duties had usually been levied. Their leaders had not, by proclamation or otherwise, indicated any intent to interfere with this branch of the public business. I have an impression upon my mind that the leaders were not only incompetent to the transaction of the custom-house business, but had no wish to interfere therewith at the time in any manner. Indeed, I know that such was the purpose of one of the chiefs, as late as the 9th or 10th of September, *and that his views were communicated by himself to me, signifying a willingness that the collector (who had then escaped from Shanghai city) should resume the business at the custom-house of collecting duties on foreign commerce at the port.* But *this* had no effect in the determination of the course which was adopted by the consuls, and is only mentioned to prove that *the insurgents did not intend at the time* to interfere with the transaction of business at the foreign custom-house of Shanghai. Their force, designs, and ability to maintain themselves were not known; and, at the time, the question was mooted whether they were not generally mere robbers and pirates, who were intending to prey upon a helpless Chinese community, but who had no conception of the functions of civil government.

The presence of this force, and the hostility of its leaders to the superintendent of customs, prevented that officer from the discharge of his official duty; and, although he was at large, he would have been assailed, had he entered the custom-house to collect duties.

I have heretofore informed you that the first violence offered at the Chinese custom-house within the foreign settlement, and the lawless acts which made the precedents for an entry of that establishment by the populace, *did not proceed from the Chinese insurgents.* I have now to say that they have never interfered with that establishment from the first moment of the insurrection at Shanghai to this moment. It was despoiled by the Chinese rabble, after some of the public property had been carried away by foreigners to secure private debts, and it had been entered to transfer property which had theretofore been seized by the Chinese officers *to places of greater safety in the warehouses of the original owners.* These are the circumstances under which the consuls were called upon to judge the line of their duty, and to exercise the responsibility of directing the course to be pursued by their countrymen and their country's shipping at Shanghai, pending the exigency then

before them. They consulted me—both the British and American consuls—and I advised the regulation which required the shipper to deposite an obligation to pay the amount of the duty due to China according to the treaty, as a condition precedent to the delivery of the ship's register, that the vessel might depart on her voyage.

In giving this opinion. I was perfectly aware at the time that I should incur the displeasure of those who desired to embrace the readiest avenues to fortune, and whose only business in China is to make money that they may retire to enjoy it; but I chose to respond rather to my sense of public duty, and to direct that line of official action which would leave the plighted faith of my country without the danger of a blemish. I did not consider the sudden overthrow of Shanghai, by such a force as then held possession of it, as a justification for the public authority of the United States in permitting their ships *to hurry out of the port laden with cargoes*, without making any arrangement for the future adjustment of the duties, which then were payable according to the treaty, any more than you would consider it justifiable, were Boston in possession of a mob temporarily, for vessels to enter that port and discharge merchandise without payment of duties required by our tariff, even though the laws of the government were in unobstructed operation over all Massachusetts outside of the city.

Certainly, I could not recognise the capture of Shanghai as sufficient to induce the acknowledgment of another government *de facto* within the limits of China, even could I have exercised such privilege under the usages of nations without the instructions of my government. I could not find in any other course than that pursued a fair and honest administration of my office, as between the citizens of the United States resorting to China for the purposes of commerce; for I could not enforce duties from them at Canton, yet dispense with the payment at Shanghai, and find the warrant for the distinction *in the treaty with China.* I could not discard the treaty, and preserve my representative character at the court of China, or expect to justify the exceptional case proposed by reference to the circumstances before me. That those who were sadly disappointed in the sudden acquisition of very large profits should accuse me of lending my influence "to sustain a worn-out despotism against a people striking for civil and religious liberty," and make similar absurd allegations, was a result which my experience taught me to expect, though my position as a minister forbade me to offer any discussion of the impropriety and injustice of such an assault. The traders at Shanghai would have diverted a million of dollars, in a very brief space of time, from the Chinese treasury into their own pockets, or those of their constituents abroad, by the proceedings which I was constrained to arrest; but the gain to private interests could only have been made at the expense of the general interest it is my duty to maintain and promote.

I have thus submitted to the consideration of the President, very frankly, the views which regulated my own action; but should he disapprove of my course, the obligations required from the shippers can be transferred to them again, as they will not be delivered to the Chinese superintendent until the will of the government of the United States shall be known as to the ultimate disposition of them.

I shall not conceal the mortification I should feel, however, should another view than that I have taken prevail; for I should still be unable to escape the strong conviction of my own mind, that, under a shallow pretext, a great wrong had been inflicted upon China, and I should deem her government quite justifiable, in view of such a result, in at least resuming, at every hazard, the full administration of her own laws within her dominions, without distinction of persons.

It is but just to the vice-consul at Shanghai that I should observe that, in exercising his power on the occasion, he observed every precaution to *prevent* hardship to parties, and to anticipate and meet all objections to the rules which he was about to adopt. The option given to the shipper to pay the duties in sycee, or to deposite his obligation, was extended to afford the privilege of meeting the debt when sycee should be at a moderate rather than an enhanced rate of exchange. The extension of time upon the obligation was suggested in order to grant relief against any pressure upon the Shanghai market for sycee when the demand of payment should be made, and to afford time to draw funds from Canton or Hong Kong. Other provisions rest, in like manner, upon sensible and sufficient reasons, all of which I have deliberately examined, and, at the same time, approved, as judicious under the circumstances. He has been violently assailed in the British provincial press for these regulations at nearly every clause of them, and his motives have been impugned by some of our own citizens. I am sure that I have seen no reason to suppose the accusations have any deeper foundation than the personal antipathies which have resulted from commercial rivalship, and disappointed hopes of *free trade in China* at the present crisis.

As a matter of mere policy it was best to refrain, however, from taking undue advantages offered by an occasion which will be likely to prove transient, and which could be improved to impress the Chinese mind, deeply, with the solemn and binding force of treaties, in the estimation of western Christian nations.

I regret to say that the course of events has not lessened the pressure upon me for a surrender of my views, and that there has already occurred a wide difference in the positions taken by the public authorities of Great Britain and the United States. The British consul at Shanghai continues to take the obligations of shippers, *payable at a future day to the Chinese superintendent of customs*, though that officer is present at Shanghai declaring his readiness to discharge his official duty without assistance. The reason given for this determination is, that the insurgents continue to occupy the city of Shanghai, though all the rest of the country is in the possession of the imperial authority. I am impressed with the curious spectacle Great Britain is made to exhibit, as a trustee or guardian for the customs due to the Emperor of China, engaged in taking obligations *payable to the imperial revenue officer*, under the idea *that the duties are demandable by treaty*, yet interposing, as a bar to paying over the trust fund, that the city of Shanghai is in the hands of insurgents, whose political capacity, or entity, Great Britain does not recognise. It is the better course, in my opinion, to withdraw the provisional regulations, and to leave the Chinese officers without obstruction in the performance of their duty. I maintain the treaty, and

express my readiness to cause the citizens of the United States to pay the duties to the Chinese superintendent of customs. I presume that my government has no desire to be placed in an attitude towards China which might unnecessarily jeopard the peaceful relations of the two countries; and it is certain that, should the Emperor, impotent as he is, accept the menacing attitude of Great Britain as a justification for closing the port of Shanghai against British shipping, that power would be compelled to disavow the action of the British consul at Shanghai, or to undertake a second war with China. His position can only now be maintained by operating upon the timidity of China, and hostile measures would result from it were China able to assert her own sovereignty at Shanghai. You will not be surprised that I have avoided such a dilemma, by the pursuit of a course which leaves no question for discussion between myself and the commissioner of foreign affairs, except my right, under the second article of the treaty, to avail myself of all the advantages for the vessels of the United States which are conceded to the tonnage of other nations, whether those concessions shall be voluntary grants, or submission to coercive measure. I have addressed his excellency Yéé on that point, as one which demands, at my hands, immediate solution, and I expect to have an interview with him at Canton in a very few days in connexion with this question. I shall submit the result to you in my next communication.

I am, very respectfully, sir, your very obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

[Official—No. 37.] MACAO, *December* 8, 1853.

SIR: I wrote a note upon the arrival of intelligence from the north later than that contained in my last despatch, but failed to get it into the last mail.

Commodore Perry informs me that, being at Canton, he had time to enclose to the Navy Department a letter from Commander Walker, of the corvette Saratoga, containing a statement of the unfortunate collision between some British residents and the imperial troops at Shanghai, on the 14th of November. The vice-consul addressed me very briefly in regard to it, and I will not repeat merely from the Shanghai newspaper, which is scarcely reliable for anything, but especially not in such a case.

It seems that the imperial troops attempted to intercept cannon which they understood a British house was designing to deliver to the insurgents, and for this purpose entered the foreign settlement. They were met by foreigners, and were driven out of the settlement with a loss of six of their number, who were shot in the conflict. The Chinese fired also, but did no material damage. There were no citizens of the United States involved in the affair. Commodore Perry has not communicated *to me* any details of the report of Commander

Walker, and I must therefore confine my own statement to the repetition of the brief report of the occurrence as it is mentioned in a private letter from Mr. Cunningham, the vice-consul of the United States.

This affair is a legitimate result from the prior conduct of foreigners generally at Shanghai, and of the British authorities and residents in particular. The Chinese, either rebels or imperialists, are unable to protect themselves against European arms, and a knowledge of this fact seems to render foreigners perfectly careless of the extent to which they trespass on their rights. For my stern opposition to all violations of neutrality, and my warning that its consequences must be, *and ought to be*, the generation of national hostility, I have become quite a mark for scribblers through the British press in China, and, I presume, of animadversion at home. I rely for my vindication upon the determination of my government to sustain a public servant in the firm discharge of public duty. In any other country than China, men would be arrested and immediately executed for a great many offences which have been committed here with impunity, and apparently with the sanction of the foreign public authority. I enclose a printed slip containing a remonstrance addressed by the British consul at Shanghai to his countrymen, which admits a conclusive case against them; yet, it is said, *he demanded an explanation of this affair from the Chinese imperial general, and received some sort of apology* for the resistance of the Chinese troops. It must be plain that the Chinese will entertain resentment for such conduct, although at present they may be unable to exhibit it. This occurrence has been the apology for strengthening the British guard at Shanghai, and the foreign quarter of that city may already be said to be, in effect, *under British rule*. A correspondent of mine, writing from that city under date of November 30, says: "The fact is, the authorities of Great Britain are exercising here in Shanghai all the rights and prerogatives of sovereignty, *as between themselves and the Chinese*. They have *actually garrisoned* the place on their own hook, refusing to regard it as a mixed and common cause of all foreigners. If the crews of the Spartan and Salamander are not sufficient, of course a regiment of Ceylon rifles or British infantry would be put in requisition. What more could sovereignty do?"

The insidious approaches to the acquisition of power which Great Britain is making at Shanghai cannot yet be matter of complaint, though it might well become matter for explanation between the governments of the United States and Great Britain, since the latter has already apprized you that it designs to avail itself of the existing state of affairs here to enlarge its commercial intercourse with China, and that the benefits will inure to all western nations. The reply made to any application of mine to the British authorities in China for an explanation, would palpably be, that these measures are taken *in self-defence*, and because the Chinese government is unable to protect itself, much less to protect British residents at Shanghai, and that the only legitimate source for a complaint *is from China*, so long as the commerce of the United States at the port shall not be molested by British authority.

As I have no desire to appear even as the vindicator of the majesty of the Chinese law, and as it may be well enough to see the policy of

Great Britain further developed, I shall not interfere so long as the matter keeps its present complexion. At the same time, I have placed before you, with perfect candor, every step, and the impression made by them upon my mind, referring to the judgment of the President the propriety of submitting to the course of events in silence, or of taking such steps as he may deem advisable. I shall jealously guard every right of my country in China from all encroachments; but I should not rashly take any step to produce a misunderstanding with any foreign power.

I take the liberty to repeat, however, that this *activity* of the British naval force in all the ports of China, this assumption of a right to throw the ægis of British protection around the entire foreign quarter of Shanghai, and this presence of British ships at Amoy to regulate and restrain the exertion of Chinese force upon Chinese territory, contrast strongly with the action of other powers, and must produce a decided effect upon the Chinese mind. The officials of this government already seem to consider that it is only necessary to consult the British authorities when any policy affecting foreign interests is to be adopted; but always necessary to do that. Had my requisition for a naval force at Amoy, and an additional ship at Shanghai, been attended to when made, the citizens of the United States at the former place would not have been left, at the capture of that city, to the protection of the British shipping in the event of an attack upon their property or lives, and the United States would be enabled to assert their share, at least, in the sovereignty which seems now undivided at the latter point. Had the event of the 14th of November resulted, as it would have resulted *in any other country*, in an assault by the Chinese upon the foreign settlement, what protection to citizens of the United States would have been afforded by the crew of the "Saratoga?" Hemmed in in a narrow river, she would have been dependent upon the tide for her own escape, and the exertion of her entire crew would have been requisite to extricate the vessel from the foreign shipping by which she would have been surrounded. I know her gallant commander (in whose discretion, prudence, and good conduct I have great confidence) would have done all that he could have done under the circumstances; but the probability is that he could have done no more than to escape with his vessel, and with the *lives* of our people, abandoning their property. What can *I* do? My hands are essentially tied; and, for want of power to place the requisite force where circumstances demand it, I am subjected to responsibility, without means to meet it. I have the energy and the will; the means *are here*, but *I* have no control of them, and cannot apply them, either by an order or *a request of their use.*

The French minister is probably now at Nankin. He was conveyed from this place to the north in the French steamer "Colberg," and after remaining some ten days at Shanghai, re-embarked on the 30th ultimo from Shanghai. His destination was supposed by the vice-consul of the United States to be Nankin.

You will perceive that the British and French commissioners ascend the Yangtze at pleasure, and *have the steamers of their respective countries at their disposal.* *I* was compelled, for the want of other conveyance,

to come hither in a little British steamer which plies between Shanghai and Hong Kong. I wished to visit Fuhchan, *but could not.*

I have heretofore recommended the employment of small steamers on this station, and that some regulation should be made whereby the Commissioner to China would have the use of a public vessel whenever, in his opinion, public exigencies require it. I have seen, from the newspapers, that some difficulty exists at home in procuring such a vessel as is wanted here. I take the liberty, therefore, to say that there is a small American steamer, the "Confucius," at Shanghai, engaged as a steam-tug in towing ships from Shanghai to the sea, and *vice versa*, which I apprehend might be purchased and fitted up for service, for a sum within $100,000. She made the voyage from New York by the way of the Cape of Good Hope, and proved herself a fine sea-boat in very bad weather. She is strong, new, swift, of very light draught, and would be able to carry as many guns as would be necessary on this coast. I do not know her owners, or that she could be purchased. I understand that she cost about $65,000. Should you deem it advisable to give my suggestion further attention, information as to her dimensions, capacity, and cost, owners, &c., may be procured through Mr. Griswold, of New York, lately the United States consul at Shanghai, or probably through some of the officers of the United States at that port. She is of the class of vessels wanted here, and the purchase of such a steamer would relieve a steam frigate from the station.

In a late despatch I suggested that I should reserve suggestions in regard to the law of 11th August, 1848, for verbal conversation on my return to the United States. The intelligence I have received that Mr. Walker does *not* relieve me, induces me now to enter upon that subject; and I trust the President will submit my views to Congress, endorsed by his approval, so that the amendments which are proper may be made at once.

The law of 1848 confers judicial powers upon the several consuls in China, extending to all cases at law or in equity, in criminal as well as civil proceedings, under such limitations of practice as the Commissioner to China, advised by said consuls, may think proper to adopt. It specifically provides that the decision of the consul shall be *final*, "where the fine imposed does not exceed one hundred dollars, or the imprisonment does not exceed ninety days." (Sect. 9.) This, when he sits *alone*. So, in civil causes his decision, sitting alone, is final where the damage demanded does not exceed *five hundred dollars*.

If, in the opinion of the consul, a severer punishment than ninety days' confinement should be awarded, he may summon "*one* or more citizens of the United States *to sit with him on the trial*, and, (unless in a capital case) should they agree in the judgment, their decision *will be final*." (See section 10.)

So, if in a civil case the damages demanded exceed five hundred dollars, the consul may summon "*two*, but not more than three, citizens of the United States," to sit with him. *He shall decide the case;* and if they agree to the decision, it shall *be final*.

The jurisdiction of the Commissioner to China *is only appellate*, and even then only *contingent* upon a disagreement between the consul and the citizens of *his own selection* in cases of magnitude. The consul, ac-

cording to this law, is invested with power quite too great, and with the privilege of exercising it *far beyond control*, whenever he desires to avoid restraint. It is provided by the fifth amendment to the constitution of the United States, which was adopted, that "no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger."

It is provided by article six of same amendment, that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury," &c.

And by article seventh, that "in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved," &c.

The power of a consul to arraign a party upon his own knowledge, to try him without a presentment, and to sentence him (without the power of the accused to obtain redress) to imprisonment for ninety days, or, by the aid of an assessor of the consul's own selection, (and who may be his own employé,) to any term of imprisonment not exceeding his natural life, is a clear violation of the constitutional right of the citizen, and should not exist on the statute-book.

But where is the power, except in Congress, to control the consul? The law confers the final jurisdiction upon the consul, either alone or when his judgment is sustained by that of *one assessor* of his own choosing, and the Commissioner, although apparently invested by the law with a supervisory power, has, in truth, but an illusory, contingent *appellate* power, which a consul may, at any moment, easily evade.

Because of this enormous grant of legal power to the consul, (see section 23, law August 11, 1848,) I have refused to permit *an acting consul* to *exercise judicial power*, though such have claimed and have exercised other consular privileges arising under other laws, their acts resting on the responsibility of the consul who empowers them, and such delegation of authority having been heretofore sanctioned or suffered by the State Department.

I submit a paper herewith (B) containing a projét of the amendments I feel at liberty now to suggest to the law of 11th August, 1848, and I hope that the President will lend to it the force of his own approval.

If the government has entered upon the judicious policy of separating the consulates from all connexion with business, by conferring the consular appointments upon persons who are to have no employment beyond that of the office of consul, it will be essential that allowance shall be made by Congress to the consuls at Canton and Shanghai respectively, beyond the present salary and fees of office, in order to subsist those officers with becoming decency. I think that $3,000 per year to each, added to their fees, will not be unreasonable, or an extravagant compensation. I recommend, earnestly, that appropriation shall be made by Congress to establish a corps of interpreters, to be composed entirely of citizens of the United States, and to be employed in this legation and in the consulates of the United States in China as the public *interests may*, in the opinion of the Commissioner, require. *Three such interpreters* should be employed, and will find enough to

engage and occupy them *constantly* at Canton, Shanghai, and in the business properly incident to this legation.

I have heretofore recommended the purchase or lease of ground for suitable prisons, with a residence for the marshal attached thereto. I think it would be well (and it is entirely feasible) to establish the residence of the whole official corps of the United States at each port upon property held in perpetual lease by the United States, or by the consul for the benefit and use of the United States.

The interests of the United States in China are too important to allow them to be sacrificed to any false ideas of economy. The accommodation of the officers of the United States will be secured by the plan I propose, and, in this country, *that* is not always to be attained; the safety of the public archives will be assured; the official establishment will be placed on a basis to attract the respectful consideration of the Chinese. Great Britain and France have each pursued the system I advise for your adoption, and I think their public interests derive large advantage from it.

Your advantage will be found in drawing to your service citizens of the United States who cannot now enter the public employment, because no means are provided to pay for their services. Very few years will deprive you of those who now fill the posts of interpreters at this legation and in the consulates. Who shall occupy their places? Persons qualified are seldom to be met even in China, and the system I propose, by placing a corps in your service, will anticipate every exigency, and will be of incalculable public advantage.

The British consul has an annual salary about equal to that attached to the office I hold, and he is provided with a residence at Shanghai. He has a vice-consul, interpreter, messengers, attendants, &c. Each of these has a residence upon a tract of ground at Shanghai owned by Great Britain, and, as a consequence of this preparation, British interests are vigilantly watched and promoted. The interpreters are constantly employed in correspondence or in translating for their official superiors. A contingent fund is allowed to the minister to procure information from the *terra incognita* of China, and therefore the policy of that great power will naturally be intelligently directed through the future.

Yet in the port of Shanghai, during the past year, the British tonnage was to that of the United States only as 35.610 to 41.501—her shipping as 94 to 62.

The salary of the British minister is about $30,000 per year, with a residence at Hong Kong.

My object is now, however, not to contrast the salaries of the British and American ministers; but to try and induce the government of the United States to provide for the consuls at Canton and Shanghai, whoever they may be, so as to enable them to maintain themselves decently and above want. The allowances I recommend will do no more, and will not be any strong inducement to a competent person to accept the office at either place. I hope that you will believe, sir, my remarks are founded *upon a knowledge of the subject.*

There is no necessity to alter the law in these respects as applicable at Amoy, Fuhchow-foo, or Ningpo.

In undertaking to administer the laws of a free and enlightened government in China, the government of the United States control the most powerful instrument of civilization, which they are responsible to use in the most efficacious manner. They may prove, *by example*, to the Chinese, the benefits a people derive from equal laws, an honest and fair administration of justice, the writ of habeas corpus, the trial by jury, the freedom from excessive punishments; in fine, the virtues of all those principles which are the boasted privileges of American freedom—yet never be guilty of the officiousness of thrusting any one of them upon them for acceptance or imitation.

The public trial, examination and cross-examination of witnesses, to elicit truth, and fair administration of equal laws to promote tranquillity and to establish justice, presented at Canton and at Shanghai, in the actual operation of the American law, will do more to liberalize the Chinese mind and to cause free inquiry by those who inspect an American court of justice, than hundreds of thousands of dollars spent in armaments to compel intercourse which cannot be properly appreciated, because no benefits have ever been seen to arise from the practical operations of any foreign system. But the presentation must be made in due form, and respectably, to produce the effect.

The Pekin gazettes contain accounts of the movements of the rebels to the 6th October. From these I infer that the manœuvres which I noticed in my last despatch, as consisting of such aimless blows as to indicate the disorganization of the northern column, were more methodical than I supposed, or that, very soon, the desultory movements of the parts were substituted by an organized movement of the division *overland* towards Pekin. By consulting the map of China you will see the direction of the column. The siege of Hwaiking was raised in August. On the 4th of September the rebels were in the vicinity of Ping Yang. They occupied that place, and thence moved in a direction east by north, by Sungan and a number of smaller places, towards Changteh. The imperial general fell back to Kwang-ping, which is in the province of Pechele. He gave up the Linming pass, and reports that at a small town between Changteh and Kwang-ping he routed the rebel force on the 6th of October, with great slaughter, *taking from them twenty-one pieces of ordnance!* For this achievement he is honorably mentioned; *but*, the Emperor despatches a new general to the scene of action, from which I infer that the general in the field already was not a favorite with the minister in the cabinet, *and would be disgraced.* In other words, I suspect that the reported victory was like too many others, which have existed only in the imagination of the officer who chronicles them. The rebels had evidently abandoned the idea of descending the Enho, and were moving by a great road which leads through the Linming pass into Pechele province. This movement, so in accordance with the original plan of the campaign, (see my despatch of July,) inclines me to believe that the march on Pekin *will* be attempted this fall. The Tartar general, *Nah-urh-king-nih*, having been degraded for the affair before Hwaiking *and for falling back to Pechele*, the inference may be fair that the strength of the Mongols has been over-estimated, or that the rebels have better trained artillery than was supposed. *I have heard* a flying rumor from Shanghai, by the packet

of the 1st instant, that the rebels were within forty miles of Pekin, but I do not credit it. Their object is to cut off Tientsin, which is a salt depot, and they will then communicate with Chinkiangfoo by the canal, before they assail Pekin, unless the Emperor shall already have retreated beyond the wall—which I do not believe.

But, suppose Pekin to have fallen; the revolution will only have been initiated—not completed. The regular government is weak almost to absolute impotency, yet its officers are in power, from Canton to within a few miles of Nankin, as entirely to-day as they were a year ago. The rebel chief at Nankin has yet to make the inauguration of his administration, *and I have yet to meet the first respectable Chinese who expresses sympathy for his cause!* Of course my intercourse, like that of all foreigners, is very limited with the people, and my opportunities of forming a correct judgment are small; but the feature that impresses my mind so deeply *is the absence of all enthusiasm on the part of every Chinese I have yet seen.* I can readily understand how Taiping can destroy such a dynasty as that which rules China, but I am yet to be convinced of his ability, or even of his desire, to erect a better on its ruins. Time will prove how well founded are my apprehensions. I hope they may prove imaginary.

It will serve to prove the condition of social and political disorganization to which this country is reduced, so that I should repeat, on the authority of Commander Kelly, of the United States ship Plymouth, who arrived here yesterday from Loo-choo islands, that when he touched at Amoy some days ago, he found all quiet under the imperialists; but the taoutae of Amoy stated that he was apprehensive that the "west coast boatmen," who had assisted to capture the city, would now rise upon the imperial authority and themselves take Amoy, so as to plunder, for they "are cutthroats only, and are clamorous for pay for their services, which I cannot give." Thus you will perceive that China is almost in a condition of hopeless disorganization, and that the officers in charge of important municipalities have no capacity for resistance to opposition to their authority, from whatever quarter it comes.

Commander Kelly reports the sad intelligence of the loss of Lieutenant Matthews, of the navy, and of thirteen of the seamen attached to the Plymouth, and of one American who had been on a whaling voyage and was then temporarily on the Plymouth. They were lost near the Bonin islands while on an excursion to an island about six miles from the anchorage of the ship, and it is supposed their small boat was swamped in a typhoon which came on suddenly and blew with immense violence. This loss occurred in October, and is deeply to be regretted. Lieutenant Matthews was an amiable gentleman and a very meritorious officer of his grade.

I enclose a correspondence (A) between vice-consul Cunningham and the taoutae of Shanghai, by which you will see that the latter *consents* that there shall be no discrimination made against the tonnage of the United States by requiring shippers on vessels of the United States to pay duties in cash while Great Britain assumes the privilege of giving obligations for duties due by British shipping. This result vindicates the policy I pursued at Shanghai, for the shipping of my country has

whatever advantages others enjoy without my violating the national faith or taking advantage of the weakness of China.

The Russian fleet, which has been at Nagasakie, is now at Saddle islands, in the mouth of the Yangtze-Kiang. The admiral is a guest of our vice-consul at Shanghai. The admiral brings important intelligence from Japan, which I submit for the consideration of the President.

When the letter of the Russian Emperor was taken, the reply the admiral received was, that "the temporal Emperor of Japan departed this life on the 25th of August last, the court was in mourning, and that no business would be done until the period for mourning has elapsed." So I learn from several letters from Shanghai. This may be considered an awkward development for the "peaceful expedition" of the United States; for while it may be true that the Ziogoon did die in August, and therefore a proper consideration for the court etiquette in the East upon such occasions will dictate to the United States Commissioner to Japan to wait the expiration of the period for the mourning, still it may be a *ruse of oriental diplomacy*, to avoid a disagreeable interview, and a reply, under the naval guns of the western powers, to an application they mean to refuse. I yet think "non-resistance and non-intercourse" is the settled policy of Japan. I await an interview with the imperial commissioner at Canton and advices from Washington. In the event of failure of the latter, I shall return in March to Shanghai.

I am, sir, your obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

A.

Mr. Cunningham to Mr. Marshall.

UNITED STATES CONSULATE, SHANGHAI,
November 29, 1853.

SIR: I have the honor to enclose a correspondence with Messrs. Smith, King & Co., American merchants, regarding the clearing of the barque Jennet if she loads at this port. Also copy of my communication to his excellency the taoutae upon the subject, to which, as yet, I have received no reply.

I trust I have clearly comprehended and followed your wishes in the course thus pursued, in which I have studied to adhere strictly to the treaty, both as regards the rights of the Chinese government and protection to the interests of our countrymen.

I have the honor to remain, sir, very respectfully, your most obedient servant,

EDW. CUNNINGHAM.

Hon. HUMPHREY MARSHALL,
United States Commissioner, &c.

The taoutae's answer having arrived at the last moment, I beg to enclose a translation consenting to the proposition.

I have the honor, &c.,

EDW. CUNNINGHAM.

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SHANGHAI, *November* 26, 1853.

SIR: It is probable that we shall be obliged to offer the American barque Jennet, Captain Mix, for a British port, or that we shall find it for the advantage of the vessel to solicit freights from British shippers. Some of these shippers, we understand, express disinclination to employ tonnage under the American flag, lest they be required to pay duties to the Chinese superintendent of customs in silver; and as we believe this to be at variance with the design of the United States Commissioner and yourself, whose purpose was not to place American shipping on a worse footing than British vessels, we take leave to ask you to be good enough to favor us with the information we need in reference to the manner in which we shall have to settle for the Jennet duties.

We understand that it will be sufficient for shippers to give promissory notes for the amounts due by them, and that, as consignees of the ship, it will be our business to place these in possession of the Chinese collector.

It will much oblige us if you will state whether this is correct, and we shall be glad of any information in regard to the manner of proceeding, in making our settlement with the Chinese collector.

We are, sir, &c., &c., &c.,

SMITH, KING & CO.

EDW. CUNNINGHAM,
United States Acting Vice-Consul.

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UNITED STATES CONSULATE, SHANGHAI,
November 26, 1853.

GENTLEMEN: In answer to your letter of to-day respecting the clearing of the barque Jennet, if loaded at this port, I beg to say that as the treaty with China provides that American vessels shall be entitled to the privileges granted to those under other flags, it follows that if British vessels continue to pay their duties in promissory notes, the same should be allowed to American.

As this is well known to be the case, I shall immediately address H. E., the taoutae, with regard to the Jennet, and have no doubt he will recognise the justice of the demand, and consent to give a grand chop on the clearing of the vessel, receiving payment for the duties in notes of hand of a similar tenor to those deposited at this consulate during the prevalence of the provisional regulations, and still given at that of the English, provided English or other vessels continue to clear under that system when the Jennet is ready to depart. Should he

refuse, however, and decline to accept the notes tendered, I should not hesitate to deliver up the ship's papers after the proper notifications to him.

I remain, &c., &c., &c.,

EDWD. CUNNINGHAM,
Vice-Consul U. S. A.

—

Edward Cunningham, &c., to the taoutae, Woo:

The consignees of the American barque Jennet desire to hire her out for freights for England, and have, in consequence, inquired of me whether, if she loads, she can pay her duties in notes of hand to you, as English ships continue to do through the English consulate. As the treaty of the United States with China very explicitly states that the American flag shall have every advantage held by others, and as a refusal to permit such mode of payment would only result in throwing all the trade both to England and America into English ships, thereby ruining the American trade without benefiting the imperial exchequer, I do not doubt that you will consent to receive the notes as long as the practice is continued by the English, granting the clearance chop as usual. Will you favor me with an early reply?

UNITED STATES CONSULATE, SHANGHAI,
November 28, 1853.

—

Woo, taoutae, makes this communication:

In reply to your letter of yesterday, I beg to state that I have examined the government records and find that the English consul authorized English merchants temporarily to pay their duties in notes of hand, to be deposited at the consulate, that entry might be made, and the duties finally collected and handed over to me, to be accounted for to the governor. As Messrs. Smith, King & Co. have desired to be allowed to pay their duties per Jennet by a note of hand, I here give my consent to such a movement, and trust only that you, the honorable vice-consul, will see that said merchants do pay in their duties by their note, that I may receive the duties for account of the government, and be able to give a just account of the same to the ruler of the province.

EDWARD CUNNINGHAM, Esq.,
Vice-Consul U. S. A.

NOVEMBER 29.

—

B.

Proposed amendments to the act of Congress of 11*th August*, 1848, *relating to China.*

The jurisdiction of the consul at each of the five ports of China shall be *final* in civil causes, where the amount in controversy does not exceed one hundred *dollars; but* where it does exceed that amount, either

party may appeal from the judgment of the consul to the Commissioner of the United States, under such rules as may be prescribed by the Commissioner for the prosecution of appeals. In all cases at law involving more than twenty dollars, either party may demand a trial by jury in the consular court, but not on the trial, by appeal, before the Commissioner.

The jurisdiction of the consul shall be *final* in criminal cases, or in prosecutions for misdemeanors, when the amount of the fine assessed against the defendant shall not exceed fifty dollars, or the term of imprisonment which the defendant may be sentenced to undergo shall not exceed ten days. But no fine shall be levied or imprisonment ordered by the consul for an alleged misdemeanor, unless the party shall have been regularly presented or indicted by a grand jury for the offence, in the court over which the consul presides, except the same shall be imposed by the consul for a contempt committed in the presence of the court, or in failing to obey a summons from the same; and in such case the fine shall not exceed one hundred dollars, nor shall the imprisonment exceed twenty-four hours for the same contempt.

When the amount of fine assessed exceeds fifty dollars, or the term of imprisonment for misdemeanor exceeds ten days, the defendants (or any of them, if there be more than one) may take the case, by appeal, before the Commissioner of the United States, either upon errors of law or matters of fact, under such rules as may be prescribed by the Commissioner for the prosecution of appeals in such cases.

When the defendant shall be indicted by a grand jury for a felony, or presented for a misdemeanor, he may waive his right to a trial by jury and submit his cause to the judgment of the consul, or he may insist upon his right to a trial by jury. In the latter case the petit jury shall consist of not less than four persons, who shall be citizens of the United States, and shall be summoned by the marshal of the United States for the consular district in which the trial shall occur. A grand jury shall not be composed of less than six citizens of the United States resident in China, if so many can be procured at the port, and they shall each be over twenty-one years of age; and, if practicable to procure such, they shall be housekeepers.

The consul shall summon a grand jury to inquire into crimes and misdemeanors at least twice in each year, and he may summon the grand jury as much oftener as the public interest shall, in his opinion, require.

In all cases of conviction for a felony, or other infamous crime, the sentence shall be suspended until the record of the proceedings shall have been submitted to the Commissioner of the United States. If he approves of the conviction he shall sentence the party according to the verdict of the jury, or he may commute the sentence to a deportation of the defendant to the United States. In case there shall be no prison at the city of Canton, or in its vicinity, within which a party convicted of felony may be securely kept, it shall be lawful for the Commissioner, on a representation of that fact by the consul, to commit the accused to the prison of the United States at any one of the other ports of China where one may be, or send him to the prison or penitentiary house of the District of Columbia, there to undergo the sentence of the court.

The marshal of the United States at each of the ports of Canton and Shanghai, in China, shall receive a salary of $1,000 per annum, in addition to the fees allowed by the regulations of the Commissioner, and he shall be appointed by the Commissioner instead of the consul. The duties of said marshal shall be regulated as now required by law, but he shall give bond for the faithful performance of his office before entering upon the duties of the same, which bond shall be in the penal sum of $10,000, with two sureties to be approved by the Commissioner. Said bond shall be lodged in the office of the Commissioner.

It shall be the duty of the marshal to execute all process issued by the Commissioner of the United States in China, or by any consul of the United States in China, and to make due return of the same to the officer by whom the same was issued, within thirty days from the return day specified on the face of such process.

Capital cases for murder or insurrection against the Chinese government, cases of piracy on the high seas, or for offences against the public peace amounting to felony under the laws of the United States, committed under the flag of the United States while on the high seas, may be tried originally before the Commissioner of the United States in China; and it shall be competent for him to issue all manner of writs to prevent the citizens of the United States from enlisting in the military or naval service of China to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the Chinese against any other portion of the same people; and he may carry out this power by a resort to such force as may at the time be within his reach, belonging to the United States.

In lieu of the secretary and interpreter, now allowed by law, to the legation of the United States in China, there shall be one secretary of legation, whose compensation shall be $2,500 per annum, so long as the President of the United States shall think it advisable to maintain the office, and one interpreter to each of the consulates at Canton and at Shanghai, as well as one to the Commissioner. These officers shall receive salaries as follows: the chief interpreter a salary of $4,500 per year, and the two assistants salaries of $2,500 each.

They shall be under the direction of the Commissioner, and may be assigned to duty at either of the consulates or in the legation, as the public interests may require.

Nothing herein to be construed to diminish the duties of the consuls in relation to seamen of the United States, as now provided by law.

H. MARSHALL.

Mr. Williams, Mr. Parker, Mr. Bridgeman, Mr. W. C. Hunter, Mr. McCartee, and Mr. Yates, are students of the Chinese language.

[Official—No. 38.] LEGATION OF THE U. S. A., CANTON,
January 9, 1854.

SIR: I have the honor to submit annexed letters, from No. 1 to No. 16, inclusive, which have passed between myself and his excellency

the Chinese imperial commissioner, myself and Commodore Perry, and letters also to and from the vice-consul of the United States at Shanghai.

The correspondence with his excellency will prove the insane aversion the Chinese mandarins have to any increased intercourse with the representatives of western powers; for the excuse of business and pressing engagements is no apology for a failure of his excellency to meet me in person to extend to me the civilities due from one high public officer to another. As I am already accredited, however, and had before my return from Shanghai been in official correspondence with his excellency, when he attempted to postpone business by starting the question of etiquette, which is usual in Chinese diplomacy, I thought the better mode of treating the case was to indicate my indifference by dispensing with the interview altogether, and entering at once, by correspondence, upon the official business before us. My letters to the imperial commissioner will display the exertions I have honestly made to observe the treaty under all circumstances, and how I preferred to guide his excellency to a graceful assumpsit of a position he will not be able to avoid being forced into by the action of others, rather than to appear to act in conflict with the administration of his excellency. This correspondence developes my view of the operation of the treaty. You will see from these letters how I have watched the progress of events, and from the fulcrum given to me, by the course pursued by the other powers, how I have raised the unquestionable right to treat Shanghai as a free port.

You will observe that his excellency committed himself to my conclusion in his reply to my note of November 23d, so that he has only to be silent under my declarations of December 31st. My instructions to the vice-consul cover the conclusions I have formed, and exhibit my policy and my determination to maintain it.

The effect of this movement will be to make a discrimination favorable to American shipping, and to force the British authorities to an exposition of their intention *not to pay* the notes they are now collecting at their consulate at Shanghai, or to abandon the claim they have made to administer the Chinese customs, and to return at once to a fair observance of the treaty. I am sure I wish the British and French authorities may continue to hold their present counsels, and to refuse to acknowledge the right of the Chinese superintendent of customs to collect duties; for that position submitted to by China defines my right clearly, under the second article of the treaty, to treat Shanghai as a free port so long as that position shall be allowed to them.

I imagine that Great Britain, instead of retracing her steps, will at once advance to the same ground I hold, so as to avoid an injurious discrimination against her own shipping, which the platform I now occupy must make; and thus she will add wrong to wrong, while my course will give me all the advantage without ever exposing me to a charge of violating the treaty. There are political consequences to flow from this step of mine which are of great moment, as I contemplate them. Shanghai is the natural port for the valley of the Yangtze-Kiang. If it is treated as a free port while commercial restrictions are maintained at Canton, self-interest will very soon lead the Cantonese to move against

: commercial restrictions here, because the diversion of commerce Shanghai will tell directly upon the prosperity of this city, since no e will trade to a closed port when he can quite as conveniently use open and free port. Retributive justice will overtake Great Britain, o, for Hong Kong will prove to be of very much diminished value a seat of commerce should Shanghai attain the importance which : supposed state of the case would immediately impart to her. This ll prove advantageous to the United States especially, should the panese expedition meet with success; for the Loo Choo islands and : ports of Niphon are much nearer to Shanghai than to Hong Kong, d will lie conveniently for a trade from Shanghai to the western ast of the United States, while the transfer of Asiatic commerce to e more northern seat will operate disadvantageously to our commer- l rival, whose distance will be increased while ours is diminished.

Nor will the movement be without its value should it result in an at- npt by Great Britain to use *Canton* as a free port as an offset to the :p taken at Shanghai, for whatever concession China shall make in at direction, I will be very prompt to use also for the advantage of merican commerce. The position I now have enables me, however, keep other powers to pioneer the way for new advantages, while eir failure to do so creates a state of case most likely to prove of more terest to the United States than to any European power.

If, on the other hand, Great Britain and France recede from the po- ions they have taken in relation to the duties, you will observe that can resume payment also, without the mortification of abandoning y ground heretofore occupied. I have thus exposed to you frankly e line of policy pursued by me, and the reasons which have controlled y course.

I regret that Commodore Perry should decline to co-operate with e; but you will perceive, from his letter to me, that his mind fails embrace the views I entertain, while his own "special mission" grosses, in his opinion, all the use to which a naval force in these as can be applied. Dissenting entirely from the view he takes of e policy of inaction upon my part, especially when the assertion the rights of my own countrymen is in question, and regarding e subject now upon the tapis as one of great consequence, both as it fects our commerce in Chinese ports immediately, and as it is likely affect our future relations with China, I have preferred to act and to n the risk of difficulty rather than to pretermit at once the assertion an important American rig[illegible]nd my own plain duty. The Presi- ent will judge the propriety of the commodore's refusal to place a eamer at Shanghai, and to convey me thither under the circumstances. refrain from making any extended comment upon his conduct, be- use I have heretofore complained ineffectually to the Executive, of e treatment I had received from naval commanders on this station. have heretofore written to you, that whenever there was the slightest clination to devolve the duties of this office upon another, I should illingly receive my letter of recall, but that I was unwilling to remain China, exposed to grave responsibilities, without the means of loco- otion, which are entirely essential to the efficient discharge of my ficial function.

I received your despatch No. 8, under date of June 7th, 1853, as covering a pledge that the naval force in this vicinity *should be devoted* to the protection of the lives, property, and rights of American citizens in China, and to enable me to accomplish the end and aims indicated by your instructions. I could not have asked a wider latitude of discretion and power than your letter conveyed expressly. Accepting that evidence of Executive confidence, I was ready to engage every energy of my nature in the effort to fulfil the duties of this station in such manner as to justify the favor with which it appeared to be the pleasure of the President to treat me; but the very next mail brought me intelligence of the appointment of my successor. This, however, has not reached me through your department, from which I have no acknowledgment of any of the despatches I have written since the 1st of April, 1853.

Since the Washington Union announced the appointment of a new commissioner to China, I have refrained from commencing any policy that I could avoid, lest leaving it in an unfinished state, I should thereby embarrass my successor. I have also, through the season, been so uncertain as to my own destination, that I have not been able either to take any definite steps towards establishing myself permanently at any place in China, or giving directions as to the movements of my family. All this is very disagreeable. I have, however, read your letter and communicated extracts from it to Commodore Perry, hoping that he might be induced, from a knowledge of the scope of your instructions, to co-operate with me. My despatches heretofore, and now, will prove to you that his determination to assert what he deems a professional prerogative precludes all hope of a co-operation by him with this commission. My inability, therefore, to go myself or to send a despatch from one of these ports to another, leaves the commissionership to China by no means a desirable place to occupy.

The refusal, repeatedly, of the naval commanders to co-operate with civil functionaries, places the latter, of course, in embarrassing positions, and operates injuriously upon the estimation foreign representatives form of the State Department. I should have returned to Shanghai to-day in a merchant steamer carrying opium up the coast, but I had not sufficient notice of the time of her departure to make my arrangements; and, really, I do not think the minister of the United States should be quite reduced to such a degree when there are three steamer frigates of his country idle and at anchor in the harbor of Hong Kong.

The French minister returned from Nankin, having had an interview with the prime minister (?) of the insurgent chief. The nature of the incidents of that interview has not transpired, but sufficient is known to render it desirable that the Commissioner of the United States should at least learn enough of the rebels, and of their chances of success, to guide him to an intelligent judgment as to the policy of his own country in connexion with them.

The rebels are yet before Tientsin, but we have no news of the fall of that city. The opinion is beginning to prevail, which I expressed to you long since, that the etiquette and exclusiveness heretofore characteristic of the Chinese court at Pekin will prevail at Nankin also,

and that western powers will not find much if any advantage from a change of the dynasty.

My opinion is still held, that the fall of Pekin and flight of the Tartar emperor will only initiate the revolution, and when China will again know repose or progress, depends, to a considerable degree, on the policy of western nations. Left to herself, I am satisfied that China will become the theatre for the wildest excesses of social disorder, and that the atrocities of the French revolution will be far exceeded by that of the Chinese revolution. It is simply absurd to suppose that this country is impressed by the doctrines of Christianity, or that our religion moves this war.

I have returned the consular archives at Amoy to Charles W. Bradley, jr., and I recommend his appointment as consul at Amoy.

I am, respectfully, your obedient servant,

HUMPHREY MARSHALL.

Hon. WM. L. MARCY,
Secretary of State.

No. 1.

P. Parker, secretary of legation, to Yéé, imperial commissioner.

CANTON, *November* 8, 1853.

SIR: His excellency Humphrey Marshall, Commissioner of the United States of America to China, having yesterday returned from Shanghai to Macao, the undersigned, secretary of legation, is instructed to inform your excellency thereof.

Unfortunately, on the arrival of the Commissioner in China, your excellency was absent from the provincial city on public business, preventing your excellencies having an opportunity of exchanging the customary civilities. The undersigned therefore, agreeably to his instructions, informs your excellency of the Commissioner's return to the south of China, and trusts that at an early day your excellencies may have the long-deferred pleasure of becoming personally acquainted, and of exchanging those civilities which are usual between the public officers of two great nations under like circumstances.

The undersigned, secretary of legation, has the honor to remain, sir, your excellency's very obedient servant,

PETER PARKER. [L. S.]

His Excellency YÉÉ,
Imperial High Commissioner, &c., &c., &c.

No. 2.

Mr. Marshall to the same.

MACAO, *November* 23, 1853.

SIR: I arrived at Macao on the 8th of the present month, and then directed the secretary of legation to signify to your excellency my arrival in the vicinity of Canton.

I am apprized of the many calls upon your time, and should not now trespass upon your excellency under the circumstances, but that there are some matters of a public nature upon which I desire to see your excellency. I request that your excellency will indicate a time, therefore, at which we may meet at Canton.

In the mean time I will call your attention to the principal subject, as it is of importance that your excellency should reflect upon it; and I shall expect a decision upon it at a very early day.

You are no doubt aware that, upon the fall of Shanghai, the consul of the United States was directed by me to require the obligations from shippers in American bottoms which would secure the ultimate payment of the duties due to China under the tariff of the treaty.

On the return of the Chinese superintendent of customs to his official duties at Shanghai, I required the consul to withdraw the provisional rules he had established, and to leave the transaction of his official business to the superintendent. Accordingly, those rules ceased on the 28th of last month, and thenceforward the American shipping has been required to pay duties to your custom-house officer, according to the ancient and usual practice. But it appears that other powers have not been required to pursue the same course; and the effect is, to make an injurious discrimination against American shipping in Chinese ports, which is certainly a violation of the second article of the treaty. Already several instances have come to my knowledge in which orders have been sent from Shanghai to charter vessels for freight from that port, and the order has excluded the shipping of the United States, because that is required to pay duties in sycee or coin, whereas no such exaction is made of the shipping of other nations, or, if made, their refusal to comply is submitted to by the Chinese government.

It must be plain to your excellency that this condition of affairs demands instant solution, and that I cannot suffer it to continue without incurring the gravest responsibility.

I shall desire to converse with your excellency, frankly and in the spirit of friendship, in regard to this affair; and shall seek to place the commerce of my government upon a proper footing without delay by the orders your excellency will take in the premises.

I trust your excellency will feel assured that, in requesting an interview with you at as early a day as you can appoint conveniently, I shall feel great gratification to combine with the discharge of a public duty the pleasure I shall have in making your personal acquaintance.

I remain, sir, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

His Excellency YEE, *Hereditary Marquis of the first grade, Minister and Commissioner, President of the Board of War, &c., &c., &c.*

No. 3.

Reply of Yéé to P. Parker, esq.

Yéé, hereditary marquis of the first grade, governor-general of the Liáng Kwáng, *ex officio* a president of the board of war, a vice-guardian of the heir-apparent, minister and commissioner of the Ta Tsing empire, has the honor to acknowledge the receipt, on the 9th ultimo, of the note of the honorable vice-commissioner, which I have perused and fully understand.

When the Commissioner, Marshall, arrived last year (Chinese) in the south of China, I, the minister and commander-in-chief of the troops for exterminating the rebels, had previously left the province and was unable to have an interview with him; and now, in consequence of being under the necessity of sending forth troops in all directions, still more am I without a moment's leisure. Waiting until the affairs of the army are somewhat abated, then, as behooves me, I will again arrange for a mutual interview.

As respects the honorable vice-commissioner, I have already had an interview with him as early as the 10th of the 9th month of the 28th year of Taoukwang, (17th October, 1848.)

As requisite I make this reply, and avail myself of the occasion to present my compliments, and to express the hope that recently his blessings have been increasingly abundant.

To Peter Parker,
Chargé d'Affaires ad interim of the U. S. A. to China.

Hienfung, *3d year, 11th month, 8th day,* (*8th December,* 1853.)

A faithful translation.

PETER PARKER.

Note by P. Parker.—My note to his excellency of the 8th ultimo I addressed as *secretary of legation*, but in the reply my address at a former date has been adopted; probably a clerical error.

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No. 4.

Reply of Yéé to Mr. Marshall.

Yéé, hereditary marquis of the first grade, governor-general of the Liáng Kwáng, *ex officio* a president of the board of war, a vice-guardian of the heir-apparent, minister and commissioner of the Ta Tsing empire, has the honor to acknowledge the receipt, on the 29th ultimo, of the honorable Commissioner's despatch of the 23d ultimo, which he has perused and fully understands.

I have examined the second article of the treaty, and find therein contained that "citizens of the United States resorting to China for the purposes of commerce will pay the duties of import and export prescribed in the tariff, which is fixed by and made part of this treaty. They shall in no case be subject to other and higher duties than are or

shall be required of the people of any other nation," &c.; and, immaterial at which of the ports, it is manifestly right to manage in conformity to this established regulation.

Now, as to the statement in the despatch, that, for the vessels of other powers not to pay duties at the custom-house, is to make an injurious discrimination against American shipping; and again, the statement that American ships being required to pay duties before they can leave port, and no such exactions being made of the shipping of other nations, is not placing all on the same footing. At Canton no such thing exists, and it seems these expressions must refer to Shanghai; and as behooves me, I will write to have investigations made at Kiangnan, when I shall be able to understand the subject from beginning to end.

The honorable Commissioner having come to the south of China at this time, I, the minister, am also most urgently desirous of a mutual interview with him; and nothing but the circumstance of my being so excessively occupied with the affairs of the army, that I have not a moment's leisure, prevents. Permit me, therefore, to wait for a little leisure, when I will again hold deliberations and determine a time which will answer.

As requisite, I make this reply, and avail myself of the opportunity to present my compliments, and to express the hope that of late his blessings have been increasingly abundant.

His Excellency HUMPHREY MARSHALL,
Commissioner of the United States, &c., to the Ta Tsing empire.

HIENFUNG, *3d year*, *11th month*, *8th day*, (*8th December*, 1853)

A faithful translation.

PETER PARKER.

No. 5.

Mr. Marshall to Yéé.

MACAO, *December* 11, 1853.

The undersigned, Commissioner of the United States of America, received, last evening, from his excellency Yéé, minister and commissioner of the Ta Tsing empire, a communication, dated on the 8th instant, in reply to a note from the undersigned, dated on the 23d ultimo.

His excellency correctly quotes the second article of the treaty, and draws, therefore, the proper conclusion. He is also correct in the inference that the injurious discrimination against the tonnage of the United States, of which the undersigned has taken notice, has been made at the port of Shanghai.

The proposition of his excellency to write to Kiangnan before a remedy is applied to this inconvenience and injury the undersigned cannot accede to. It will be his own duty to act immediately upon the case, and it will be performed independently of his excellency should he adhere to the idea of waiting for the result of a correspondence with Kiangnan. His excellency does not require to be reminded that the rights of American citizens have been held in suspense in Fokien

nearly three years awaiting a correspondence with that province, and it is not so distant as Kiangnan.

As his excellency professes to have incomplete information of the progress of events at Shanghai out of which the subject now brought in correspondence has originated, the undersigned will state exactly the manner in which events have occurred so as to injure the interests of the United States in the particular suggested. Upon this statement the undersigned will expect to understand from his excellency, without unusual delay, what remedy *he* can apply to rectify the wrong to which the interests of the United States are subjected in violation of the second article of the treaty.

When the insurgents at Shanghai expelled the imperial authorities from the port on the 7th of September, there was no obstacle to the departure of the ships of all nations, with cargoes and without the payment of duties, but the authority of the public representatives of those nations. Determined to afford evidence of the disposition of the United States to perform their treaty obligations with exact fidelity, the undersigned required the citizens of the United States to refrain from all advantages which the embarrassment of the Chinese administration presented to them the opportunity to take. He even imposed as the condition upon which the vessels of the United States could depart from the port, regulations for shippers to deposite at the consulate of the United States obligations, payable to the demand of the Chinese superintendent of customs, for the amount of duties due according to the tariff of the treaty. This arrangement was intended to answer a temporary purpose only. It was an act of national comity to afford his excellency, or the ruler of the province, a reasonable opportunity to reinstate the imperial authority and to recover from a blow which to every one was sudden and unexpected, and dealt by a force whose power and ultimate designs no one comprehended. The minister and commissioner for foreign affairs will remember that the undersigned notified him at an early day of the requirement of indemnity against losses on the part of citizens of the United States resident at Shanghai, and peaceably attending to their own affairs, which the government of the United States would certainly make from that of China in the event of injuries resulting from the progress of the insurrection at Shanghai. Yet at that moment the undersigned was in good faith exerting his utmost power not only to avoid such losses to the citizens of the United States, but to prevent losses to China through any default of duties payable on the shipping of the United States.

To this notification it pleased the minister to reply that "the protection of that port (Shanghai) was not unthought of, nor by chance uncared for, which the Commissioner should clearly comprehend."

After an absence of some days, the superintendent of customs gave notice to the foreign consuls at that port that "the collection of customs would proceed as usual," though it was perfectly evident that it could not proceed "as usual," because the custom-house was in ruins and access to it was not had by the superintendent. The undersigned, however, instructed the vice-consul of the United States to recognise the right of the superintendent to proceed with the collection of the customs as *usual, at such* place in the port as he might designate for

the transaction of official business, and to withdraw the provisional regulations which had been made to meet the sudden exigencies of the time; and to signify, moreover, to the superintendent, that it was the desire of the authorities of the United States to afford every proper facility for the transaction of business, in the difficult circumstances that surrounded him.

The provisional regulations established by the vice-consul of the United States accordingly ceased on the 28th of October, and on that day the superintendent notified the vice-consul that the place he had selected for the collection of duties was *on a boat in the middle of the river, below the anchorage for foreign shipping at Shanghai.*

The insurgents of the 7th of September still maintained themselves in the city of Shanghai, and this floating custom-house was an apparent admission of inability by the imperial officers to recapture the city; but the undersigned, from a sincere wish to do everything in his power to re-establish business upon a regular and regulated basis, required the citizens of the United States to interpose no objection to the boats as a place of collection, and to resume the payment of duties according to the terms of the treaty and the former practice. The only reservation made was in favor of such vessels as had partially laden under the vice-consul's provisional regulations, which were authorized to complete their lading upon the same terms.

Thus, the undersigned had lent his aid not only to prevent loss to China at a period of sudden embarrassment, and had evinced his disposition to perform punctiliously the obligations of the treaty in the spirit of perfect justice and good faith, when China had no means of securing those duties for herself, (as the treaty presumes she always will have,) but he had withdrawn every obstacle to the administration of the customs at the earliest intimation of the return of the Chinese officer to his official duty, and had agreed to submit to a great inconvenience and a questionable place for the transaction of business, *in order to extend every accommodation.*

The United States had, under these circumstances, a right to expect that every privilege accorded to the shipping of other nations would at once be yielded to theirs; but the undersigned has been officially addressed by the agents of several vessels of the United Sates with a statement that while their vessels were required to execute obligations for the payment of duties on clearing the port of Shanghai, the Austrian barque "Robert" was permitted to enter that port on or about the 4th of October, to discharge her inward cargo and to take an outward cargo, and to depart on the 29th of October without challenge or interruption of any kind, and without the payment of duties or any arrangement therefor. The American ships "Hussar," "Living Age," and "Fleetwood" are brought to notice as having cleared about the same time—the first on the same day; and they were all required to pay their duties, *the obligations for which are yet under the control* of the undersigned in the consulate of the United States at Shanghai. This case has been brought by the vice-consul to the notice of the Chinese superintendent of customs, and the facts are admitted by him in a written communication, now before the undersigned. Will his excellency carry out the stipulations of the second article of the treaty by releasing the obliga-

tions of the vessels of the United States (for duties) which cleared about the same time as the "Robert," and thereafter?

Austria has no treaty with China. She is not represented by any consular authority in Chinese ports, and China is not represented at the court of Vienna; yet the flag of Austria is preferred to all others. The vessel of that power has come, has transacted business for nearly a month in the port of Shanghai, with her colors flying, and has departed upon terms far more favorable than the vessels of any country bound by treaty with China. The undersigned would rejoice to understand that, by this act, the government of China means to burst at one exertion the unwise shackles which fetter commerce, and, foremost among nations, as she is oldest among them, intends to invite the other powers to the liberal and enlightened practice of a free trade. It would mark the era of returning peace and prosperity to China, at which no government would feel a more lively gratification than that of the United States. The undersigned contents himself for the present with placing the facts of the above case plainly before the honorable minister for his consideration, and hopes to hear at an early day what solution for it his excellency proposes.

The undersigned now calls the attention of his excellency to the fact that the United States *alone* indicated a willingness to resume the payment of duties upon the usual terms at Shanghai. The consul of Great Britain declined expressly to recognise the right of the Chinese superintendent of customs to collect the duties, for reasons which were stated at length in a correspondence between those officers in October, and which correspondence was probably placed, as was required, before his excellency the minister. That position the public authorities of Great Britain yet maintain. The only duties paid, therefore, by British shipping at the port of Shanghai, are obligations which are taken at the British consulate, and which on their face contain the condition that their ultimate redemption shall depend upon the decision of the Chinese government.

The French consul at Shanghai, in a letter addressed to the taoutae, declares his purpose to permit French ships to depart without the payment of duties, until the imperial authority shall be firmly re-established at Shanghai, and a custom-house for the business of collecting duties and transacting affairs with foreign nations shall have been regularly re-occupied in that port.

Other consuls, whose powers are derived from governments having no commercial conventions with China, have likewise failed to recognise re-establishment of the imperial custom-house at Shanghai.

The undersigned has now reliable information that the floating customs establishment notified to the vice-consul of the United States, on the 28th of October, has for some time been withdrawn, so that *the place* of collection is again a matter of uncertainty.

His excellency may be assured that he is now in possession of the true state of the case as it existed on the 1st December at Shanghai. It is upon this state of the case the undersigned is compelled to act without delay.

Freights will not be given to ships from which a payment of duties in money or sycee is required, when other ships can be employed in

Chinese ports upon which such a requisition is not made. When French shipping may leave Shanghai without paying duties, because of the disturbances existing there, and British shipping departs on the deposite of obligations for the amount of duties the shippers declare—the redemption of which obligations depends on a condition over which the Chinese government has no control—his excellency must perceive that a continued requisition for duties on vessels of the United States can only have the effect to drive the latter from Chinese waters, and, by such injurious discrimination against the tonnage of the United States, to transfer the carrying trade from China to the rest of the world into hands whose unaided energies might not have been able to secure it, and from which it has been lately rapidly passing away. It will be to repay the good faith and the sincere desire of the United States to perform the stipulations of their treaty under all circumstances, with an injury which will not benefit China in the least degree. That such an effect must be the immediate consequence of the discrimination which the several positions herein before stated make between the United States and other powers, is proved by the withdrawal of freights already from American shipping. Orders to charter ships for freight, from Shanghai to other ports of the world, already may be found in Canton and Hong Kong, which exclude the vessels of the United States from the list of ships to be employed. The loss thus arising to the citizens of the United States, whose capital has been invested in American bottoms, to perform the office of carriers by water, and in the equipment of these with officers, crews, tackle, and furniture, *is a daily loss*, involving, in the aggregate, immense sums of money.

While the undersigned intends to perform the obligations of the treaty between the United States and China with an unflinching exactness that will not shrink from any necessary sacrifice in order to meet a pledge of national faith, he does not find a sound policy consulted, or a discreet exercise of his representative function displayed, by perseverance in a line of action that only involves injuriously the interests of his own countrymen, without assisting those of China in the least. Moreover, as his excellency has properly observed, the regulations established by the second article of the treaty declare that "no other or higher duty than shall be required of other nations" shall be imposed on citizens of the United States resorting to China for the purposes of commerce. It results therefrom that the acquiescence of the Chinese authorities in the clearance of ships of any nation from the ports without duties, gives the right to the vessels of the United States to clear on the same terms, *as a treaty right, not a gratuity.*

An efficacious remedy for the injuries to American commerce sustained at Shanghai rests in the power of the undersigned by the mere reversal of his own orders to the vice-consul at Shanghai, and the exercise of the same privilege of clearing without the payment of duties, which has been acquiesced in by the public authorities of China at Amoy during the late occupancy of that city by the insurgents; and is now acquiesced in by the same authority when assumed by the consul of France, absolutely, and by the consul of Great Britain under a certain modification. The exercise of this right by the undersigned cannot restore the great loss which the interests of the United States have

r sustained by the delay in obtaining a satisfactory solution of
iculty that arose at Shanghai; but the undersigned would have
ellency to believe that he has suffered such delay from the hope
s excellency would, on a full knowledge of the facts, (which he
ed to submit at a personal interview,) prefer to rectify the wrong
own act, rather than to leave the solution to the undersigned.
ndersigned is aware that the power of the United States of
a is equal to the successful maintenance of any proposition it
come them to assert; but that capacity for the great exertion of
as added to his solicitude to avoid any act which could be con-
as a willingness to seize an advantage from the embarrass-
of China. He repudiates the idea that any other powers have
pon so unworthy a motive, for he has seen the views upon which
tion is based. He had the misfortune to take another view; but
r his own was correct or erroneous, the present *status* of those
, and the acquiescence in the correctness or admissibility thereof
na, from whatever motive, brings the undersigned, under the
and in accordance with the second article, to the necessity of
ling an equal privilege. The United States of America would
deeply any misunderstanding with the government of China;
upying a coast facing that of the Ta Tsing empire, and travers-
out the same extent of latitude, with only a sea intervening,
already whitens with the sails of their commerce, and is soon to
musical with the plash of their steam-paddles, they look to the
intercourse with China, upon a basis which shall mingle their
as do the leaves of the forest, as a result already marked out in
pter of destiny which, as no human energy can control, it is the
a wise statesmanship to fix at once upon the foundations of
and justice.

nated by the spirit which pervades the United States, the under-
has not chosen to take exception to the plea of pre-occupation
time in affairs of internal administration, which his excellency,
nister, presents as the excuse for the omission to meet the un-
ed as is usual at the threshold of official intercourse, for the
igned is aware of the multiplied calls upon the attention of his
ncy. The undersigned willingly *dispenses with the interview pro-*
and which he suggested because he was informed that it would
h convenient and agreeable at this time to his excellency,) and
resorts to the labor of correspondence, to which no plea of pre-
tion can form a reply. The undersigned ventures to suggest
e dispensation of all duties at Shanghai, by the free act of his
ncy, until the imperial authority shall be re-established at that
nd the custom-house officers shall be reinstated regularly, will
the undersigned from all embarrassment, while it will only as-
luntarily what is practically assumed by other powers—that so
an adversary power maintains a port against the authority of
nperor, duties on commerce shall not be levied at said port. It
e suggested to the mind of his excellency, as it has been by the
at Shanghai, that the vice-consul of the United States shall
the example of the British consul, by continuing to take obliga-

tions for duties due by vessels of his country to be accounted for hereafter.

To make the cases exactly parallel, the redemption of said obligations should alike depend on the decision of the same tribunal. Should the government of China agree that the payment of obligations for duties, whether given by citizens of the United States or by subjects of Great Britain, shall depend on the will and determination of the Foreign Office at London, then, though equality at least will be established by admitting all to the same privilege, the undersigned would regret to witness, as he certainly will not propose, such a concession by his excellency. Nor, if made, would it meet the basis of action assumed by the French consul, which is that of a freedom from all obligation pending the successful assertion of an adversary power in the port of Shanghai.

The United States cannot become a surety for the solvency of shippers upon private vessels. To avoid this responsibility the system of cash duties on imports at the time of landing, and on exports at the time of lading, was introduced into the treaty; and should a credit system be entered upon, it must be done under the express understanding that in no event will the government of the United States be responsible for losses arising from insolvency or otherwise.

Should his excellency incline that obligations shall be deposited at the consulate of the United States at Shanghai, as they are now deposited at the British consulate, the convention must exist alone between the shipper and the superintendent of customs. The consul of the United States will not find any requirement to become a fund-holder of the parties. The undersigned does not intend to interfere with the administration of the customs, or to assume any obligation for his government, under existing circumstances, which can be construed as a voluntary departure from the principles established by the treaty.

His former action was based, he repeats, upon the requirements of a sudden emergency, and was designed as an act of national comity to be only temporary.

No obligation would exist if the authority of China cannot be asserted and maintained. To re-enter upon that system would be to direct the administration of Chinese customs indefinitely; and it would amount to the assumption of government, for it would proceed upon the admitted inability of the Chinese officer to maintain his authority after a deliberately prepared effort. It is for his excellency to solve the difficulty by an agreement to dispense with the duties at Shanghai temporarily, or to remove, by some other measure, the inequality which operates so injuriously to American commerce at Shanghai, and which, by such a result, creates a right, under the treaty, to the vessels of the United States to clear upon the same terms as have been assumed by others and conceded. The undersigned has now submitted this affair to his excellency the minister in the spirit of candor and friendship, and with a sincere desire to claim nothing to which the commerce of the United States is not most equitably entitled. The undersigned suggests to his excellency that, as the mail will depart for Shanghai in the course of a few days, he will be obliged for a reply at his excellency's earliest con-

nience, for he must communicate with his own subordinate officers r their guidance in future.

The undersigned renews to his excellency assurances of his distinished consideration.

HUMPHREY MARSHALL.

His Excellency YEE, *Hereditary Marquis of the first grade, Minister and Commissioner for the Empire, Governor-general of the Liáng-Kwáng, ex officio President of the Board of War, &c.*

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No. 6.

Mr. Marshall to Yéé.

CANTON, *December* 26, 1853.

SIR: I think it proper to advise you that I have received letters from hanghai to the 17th of the present month, and that nothing has ocurred there to change the state of the case presented by my note to ou under date of the 11th instant.

This condition of affairs, and my disagreeable situation here, render : very desirable that I should hear from your excellency as soon as racticable. I wish to communicate with the vice-consul of the United States at Shanghai by the steamer of the 29th, and I hope your excelency will find it practicable to adopt a course by that date which will elieve the subject of further embarrassment.

I am, very respectfully, sir, your obedient servant,

HUMPHREY MARSHALL. [L. S.]

His Excellency YEE,
Minister and Commissioner, &c., &c., &c.

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Reply of Yéé to Mr. Marshall.

Yéé, hereditary marquis of the first grade, governor-general, &c., as the honor to acknowledge the receipt, on the 22d instant, of the norable Commissioner's despatch of the 11th instant, which he has rused and fully understands.

I have examined and found that, on a former occasion, I received a mmunication from Woo, taoutae of Shanghai, stating "that after the ss of that city the duties on all imports and exports, commencing on e 6th of September, the consuls of the different nations would, for the ne being, receive and hold for him; and that said consuls of the different nations would make to him a monthly report of the amount ereof, and he, the taoutae, would take the original returns of the nsuls and monthly duly report the same to me; and the consuls of e different nations had met together and promised to accede to this rangement."

This enactment, which the taoutae communicated, was made with e view to place all *nations* on the same footing. As to the floating

custom-house, which your despatch states to have been established on the 28th of October, as yet I have not seen any communication from the taoutae respecting it. And again, the statement that the Austrian barque Robert early in October entered that port, and upon the 29th of October cleared without paying any duties: this (the non-payment of duties) is fundamentally wrong, and I, the minister, as behooves me, will write and direct the taoutae at Shanghai to institute means for prosecuting and recovering them.

The honorable Commissioner's injunctions to all the merchants of his country to continue to pay all the duties conformably to the treaty, and unitedly to preserve faith and justice, I, the minister, regard as truly estimable and praiseworthy. Under all circumstances there were originally established regulations; and now, although, in consequence of the rebels having unexpectedly taken possession of Shanghai, the times are somewhat different from what they were formerly, absolutely it will be difficult to change the old rules respecting the duties. I, the minister, as behooves me, will instantly address the taoutae of Shanghai, and direct him, in sincerity and truth, by one law, to make investigations and manage properly, and not in the slightest degree to have any irregularity, and thus it will be practicable to remove the evil of unjust discriminations.

The despatch of the 26th instant I have also perused and fully understand. As requisite, I make this reply, &c., &c.

His Excellency HUMPHREY MARSHALL,
Commissioner of the United States of America, &c., &c.

HIENFUNG, 3*d year*, 11*th month*, 28*th day*, (28*th December*, 1853.)

A faithful translation. PETER PARKER.

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No. 8.

Mr. Marshall to Yéé, &c.

CANTON, *December* 31, 1853.

SIR: The undersigned, Commissioner of the United States of America, has the honor to acknowledge the receipt, on the 28th instant, of a despatch from your excellency in reply to notes from the undersigned dated on the 11th and 26th of the present month.

Your excellency gives an assurance that directions shall be sent instantly to the taoutae of Shanghai "to manage properly and not in the slightest degree to have any irregularity." Immediate obedience to this instruction will remove for the future the unjust discrimination against the tonnage of the United States. It is comprehended in this assurance of your excellency that there shall be an immediate return to the former practice under the treaty. It only remains, therefore, to observe that, if the Chinese government shall require and enforce the prompt payment of duties at Shanghai from all nations, the authority of the United States of America will always be readily exerted to compel the payment, if necessary, from citizens of the United States, according to the letter and

treaty. If, on the other hand, the flag of another power
ter enter and depart from the port of Shanghai, either with-
ment of duties or upon a regulation which dispenses with
yment and substitutes therefor a promissory note, the pay-
of is made to depend upon the will and is referrible to the
another power than China, this regulation will be accepted
ed States of America as sufficient evidence of the intention
reign of China to accord to the foreign power in whose favor
sion shall appear entire freedom of commerce at the port
i, should such power think proper to claim it. In the exer-
right secured to citizens of the United States by the second
e treaty, the consul of the United States of America, in that
be at liberty to deliver the registers of vessels of the United
out the production of the port clearance, and citizens of the
tes will not be required to pay duties on imports or exports
so long as the practice aforesaid shall prevail.
ed States of America demand no privileges greater than
ded to the most favored nation; they will not be contented
If the Chinese public authority waives the administration
ms by collecting notes in the consulate of a foreign power
yment of which this government has no control, it is the
bstance as a grant to such power of free trade to the port,
should prove desirable.
n of the consul of the United States at Shanghai will hence-
determined by that of the Chinese authorities in executing
directions of your excellency.
ersigned will not discuss the quotation your excellency fur-
a despatch of the taoutae of Shanghai.
ive for the enactment of the provisional rules of the 9th of
has already been explained. No Chinese officer of any
cipated, to any extent whatever, in the deliberations which
the publication of these rules. The proclamation of the
t he would after the 10th of October "collect the duties as
communication (of somewhat later date) from your excel-
undersigned, and the presence of a force before Shanghai
numbers and power to reassert the imperial authority as
effort of lawlessness, induced the undersigned to direct the
of those regulations, so far as the vice-consul of the United
concerned. It is not requisite to discuss the subsequent
of other foreign powers, whereby a basis of administration
ms has been established, which renders cash payments and
ice of the former regulations inexpedient. If the assurance
ellency that all irregularities shall be immediately correct-
d out, the unjust discrimination against the tonnage of the
es of America will cease; if it is not, the conclusion is here-
ted.
ul of the United States at Shanghai will afford every proper
he Chinese superintendent of customs for the speedy and
despatch of business, and in all transactions will be guided
sense of justice; but he will *not* undertake to participate in
stration of the customs or any other branch of the imperial

government, nor can he assume obligations which may embarrass and impede the due discharge of the trust with which he is clothed by the government of the United States of America. The undersigned refers your excellency to his last communication to assure you that it will be impossible for the consul of the United States to become the deputy collector of the Chinese revenue, or for the United States of America to become in any degree bound for the same.

The undersigned has received, with a proper understanding of its signification, the statement of your excellency in relation to the duties due by the Austrian barque "Robert." It will be fair to await the result of the efforts to collect these duties, before proceeding upon obligations for duties due by vessels of the United States clearing since the 4th of October. That decision will be satisfactory, and seems just.

The undersigned renews to your excellency assurances of his high consideration.

HUMPHREY MARSHALL. [L. S.]

His Excellency YEE, *Hereditary Marquis of the first grade, Minister and Commissioner, &c., &c., &c.*

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No. 9.

Mr. Marshall to Commodore Perry.

[Confidential.] CANTON, *December* 26, 1853,
Monday morning, 6 a. m.

MY DEAR SIR: Thus far his excellency, the imperial commissioner, has given no sign of a consciousness that I am in Canton, although this day will complete one week since he heard the guns of the Mississippi salute me at Whampoa. On the day of my arrival, or the day after, (Wednesday, the 21st,) the letter which I addressed to him on the 11th of December from Macao, reached him. I shall write him again this morning, specifying the 28th as the last day for which I shall await a reply; and in default of its coming, I shall have a letter of instructions prepared immediately to the vice-consul of the United States at Shanghai, authorizing him to suspend altogether the payment of duties to the Chinese imperial government at the port of Shanghai, which letter I design to despatch per the steamer of the 29th instant, unless you can let me have a government steamer. It will be, in my opinion, very essential that our naval force shall be increased at Shanghai when this order takes effect; for the Chinese imperial government has a considerable fleet in the river in front of Shanghai, and a large army on the shore, and in the desperation to which such an order may reduce the imperial officers at Shanghai, I cannot foretell the kind of remedy they may attempt to apply to the case, but most probably *it will be one of force.*

It is my purpose to adhere to the position I have taken at every hazard, *as it is but the exposition of a treaty right.* At the same time, I do not conceal from myself, or from you, the significant circumstance

ım the first to assume the position in direct correspondence with
ef officer of the empire in the management of foreign affairs. He
nder the circumstances, seek to close the ports of China to
:an commerce, and I shall thus be forced to insist upon the right
:ountry to trade *according to the treaty*, and I shall require your
emporarily, to preserve that right at this port probably, as well
ıhanghai.
ɔose to you these facts plainly, in order to invite your cordial
·ation to sustain me in the sequel should difficulty arise from
tinct assertion of American rights in the manner I am pursuing.
ınt to be at Shanghai in person, and I wish to go up in a
r. I think it is important to the public interest, and I hope that
lays on the spot will make matters easy. While I am thus at
ıai, I wish you could be here. Though no difficulty *may* occur
ınd I see no immediate probability of it,) yet the fact that Tien-
now possibly in the hands of the insurgents, and that the next
from Shanghai may bring news of the fall of Pekin and the
f the Emperor, increases the probability of an *emeute* at Canton,
will ever occur. His excellency may also attempt some step
s our people here, growing out of my stopping duties, which
be possibly avoided by a knowledge that you were near with a

my desire when I reach Shanghai (and my purpose) to go on
kin in the Confucius. I would like to take with me a guard,
officer or two of discretion and intelligence. I shall attempt to
vactly the condition of the rebellion, and at least shall let my
·ss to recognise a new government, as soon as such an act shall
per, be known to the "*Christian Emperor.*" The British and
. ministers have each been to Nankin, and I regret to learn,
ıy letters from Shanghai last night, that an impression prevails
-informed quarters, that those visits have not been attended with
propitious to American interests. It is high time that the United
should also be heard from *in propria persona.* I intend to dis-
that duty also without further delay, for now the insurrection
ɔgressed so far, that I can see at least *the wisdom of preparing the*
meet a change. If promptness attends the desired movement, I
e able, I hope, to relieve your force at Shanghai by the 10th or
January at the outside; and so much of it as shall be at Shang-
l then be near Loo Choo, to which place you propose to go.
eamer which takes me up to Shanghai may possibly be required
rn me to this place; but I shall dispense with her services there
ı, so as not to interfere with your arrangements. If you cannot
have the steamer, please advise me of that fact by the return mail,
all then go up in the next steamer, and will do the best I can
ıch force as I can gather at Shanghai to attend me. I must
ɜ the duty before me some how or other; but I prefer your
co-operation, and earnestly hope to have it. If you can let me
ıe steamer, you know I have little time to spare, and I shall be
to embark for Shanghai by the 1st. It might be well for you to
have a distinct order detailing the officers and guard who are to

accompany me to Nankin. It will rest with you. Please to let me hear from you. No person knows of my designs but yourself.

I am yours, &c., &c.,

H. MARSHALL.

Commodore M. C. PERRY,
Commander-in-chief U. S. Naval Forces, China and Japan seas, &c., &c.

No. 10.

Commodore Perry to Mr. Marshall.

U. S. STEAM-FRIGATE SUSQUEHANNA, HONG KONG,
December 29, 1853.

SIR: I was not a little surprised at the perusal of your letter marked "confidential," and bearing date the 26th instant. Learning from Commander Lee that you had taken and furnished a house at Canton only a week since, I was fully impressed with the belief that you had determined on continuing your residence at that place for some length of time, and that every step had been taken by me to meet the exigencies of the present and anticipated state of things, with reference to the protection of the life and property of American citizens resident in China, so far as it could be done consistently with the special mission upon which I am again about to depart.

Whatever may have been my opinion as to the course of procedure respecting the collection of the imperial duties at Shanghai, I have hitherto carefully abstained from referring officially to the subject, as in no way concerning my duties; but now that it is suggested by you that new measures which you propose to adopt may call for the intervention of a larger naval force than has been assigned for the coast of China, pending my second visit to Japan, I feel bound to inform you that I shall not have it in my power to detail such additional force, and for the obvious reason that my plans for the ensuing season are all perfected and their execution commenced; that several of the vessels of the squadron have already sailed for the appointed place of rendezvous; that I am only waiting the re-equipment of the storeship Lexington to follow with the steamers, and that the diversion of any part of my force would seriously affect my entire designs. With the diplomatic relations of the United States with China I have nothing to do, such matters belonging exclusively to yourself; but I must be the judge of the necessity of using the force at my disposal in intermeddling in a civil war between a despotic government, struggling for its very existence, and without the power of enforcing its own laws, or of sustaining its treaty engagements, and an organized revolutionary army gallantly fighting for a more liberal and enlightened religious and political position; and hence my undeviating policy, whatever have been my sympathies for the revolutionists, of practising myself, and enjoining upon all under my command, a studied regard to neutrality and non-interference. In my opinion, a demonstration at this moment to coerce, or even urge the imperial authorities to any important political

measure touching the interest of the United States would be of no avail, inasmuch as the events of a week may bring about the overthrow of the reigning dynasty and render nugatory the acts of its officials; and that a rude refusal on the part of those officials to meet your demands would probably lead to results involving serious consequences to our American trade. At the present juncture, neither of the contending parties are in a condition to negotiate with foreign powers, and it is evident that some time will elapse before the final issue of the war will be known. Meanwhile I am clearly of opinion that it is the better policy to wait quietly the progress of events, especially as I have heard of no complaints from Americans of violence or injustice from the Chinese of either side.

I have not the remotest intention of obtruding upon you—as it would seem to be entirely gratuitous in me to do so—my opinions with respect to the political condition of China; my only motive in presenting the foregoing observations is to exhibit in another view the reasons that would influence me in declining to co-operate with you in the manner proposed, even if other considerations already alluded to did not make such course imperative. Judging from the results of past experience, I am inclined to think that the presence of a sloop-of-war at Shanghai will afford ample protection to American interests in that quarter, my latest information from Commodore Walker and others giving no intimation of any anticipated danger; and with respect to Canton, arrangements have been made entirely satisfactory to our fellow-countrymen resident in that city.

Should you, as you propose, charter the "Confucius" to proceed to Nankin, Commander Kelly will have instructions to furnish from his ship, upon your application, such an escort as he may consider himself justified in temporarily detaching on such service.

In closing this communication I cannot but express my regret that obligations of duty should have placed me in a position to differ upon any question of public expediency with a functionary holding the distinguished station which has been intrusted to your charge.

With great respect, I have the honor to be your most obedient servant,

M. C. PERRY.

Hon. HUMPHREY MARSHALL,
United States Commissioner to China, Canton.

P. S.—As it is my practice to transmit copies of my official correspondence to the Navy Department, whether confidential or otherwise, I have enclosed a copy of your letter, marking it "confidential," as also a copy of this communication.

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No. 11.

CANTON, *January* 4, 1854.

SIR: Your reply, under the date of 29th ultimo, to my letter of the 26th of December, has been received.

In one paragraph of your communication, after conceding my right to manage the diplomatic relations between China and the United States, you add: "but I must be the judge of the necessity of using the force at my disposal in intermeddling in a civil war between a despotic government struggling for its very existence, and without the power of enforcing its own laws or of sustaining its treaty engagements, and an organized revolutionary army, gallantly fighting for a more liberal and enlightened religious and political position," &c.

The natural inference from this language is, that you are resisting a proposition made by me to employ a portion of the force under your command in intermeddling in the Chinese civil war; and, moreover, that I had desired you to engage it in the cause of the despotism you denounce, and against the revolutionary army whose gallantry elicits the warm expression of your admiration.

I call your attention to this view of the above paragraph that you may appreciate the prejudicial effect against me which its strong implications are calculated to produce.

As my mind has not conceived the idea of employing any part of the naval power of my country in a participation, to any extent whatever, in the contests of the Chinese, my pen has never traced a line to you, or any other person in China, from which the inference of such a desire on my part is deducible. Every act and expression of mine have indicated my determination to maintain the most uncompromising neutrality; and there is nothing that I have said, done, or written, to afford the slightest foundation for an opinion to the contrary. In the sense which most persons would read your letter, it is calculated to do me great injustice, and would be understood to cast an imputation upon my public conduct which I cannot permit to pass to the archives of the Navy Department without this accompaniment, to repel the injury that would result otherwise. I shall not discuss the propriety of your refusal to furnish the steamer to carry me to Shanghai, as requested. It is the province of the President of the United States to judge of the policy of sustaining the prerogative you have again and again exercised, of declining co-operation with the naval force under your command when requested by the minister; basing your refusal, among other reasons, upon suggestions which amount to an assumption of the privilege of reviewing the public action and policy of the civic representative of the government. In the present instance the pretension is advanced with extraordinary boldness, since you inform me plainly that a want of coincidence in our opinions as to time and the object of my policy would be a sufficient reason to influence you "in declining to co-operate in the manner proposed, even if other considérations did not make such course imperative." Such a power is, in my opinion, dangerous in example, unfortunate for the navy itself, and utterly ruinous of the efficiency of the civil department to which I am attached. As I have no power to reduce this claim on your part to the proper limitation for its exercise, I can only unite with you most heartily in the expression of regret, that, from the wide difference of opinion that exists between us as to the limits of our respective departments of official duty, I find myself restrained in the legitimate exercise of my functions and the energetic discharge of my public duty, by your

failure to co-operate with the naval force, which in this section of the world is so essential to diplomatic success.

Observing that the remarks of a political character contained in your letter are introduced only to exhibit the claim of naval prerogative to which I have alluded, the occasion does not demand any comment upon them. You are entirely correct in supposing that in the formation of my opinions upon political questions, and of the proper time and circumstances for the active exercise of my diplomatic function, I understand my right to be exclusively the judge of what may or may not be attempted.

But, apart from the political reasons you have advanced, (and which would render my residence in China useless to my government,) you present, as the chief objection to acceding to my request, that the execution of your plans for the ensuing season has commenced, and the diversion of any part of your force would seriously affect your entire designs.

As you place yourself in the position of a commander already in the very act of executing an important naval movement when the first intimation is given of "new measures" that might possibly require a diversion of a portion of his force, I shall recur for a moment to the facts of this case to elucidate the nature of the service chiefly required at your hands, and the circumstances which induced me to make the call upon you.

This recitation will at the same time serve to prove that the "new measures" cannot be delayed upon any considerations connected with the condition of the expedition to Japan.

I returned from Shanghai to Macao early in November. The various positions taken by western powers in regard to the payment of duties at the Shanghai custom-house rendered it very desirable that I should have a distinct understanding of the course which the Chinese government designed to take on that subject. The report of the facts in the case of the Austrian barque "Robert" arrived shortly after I came to Macao, and on the 23d of November I addressed the Chinese imperial commissioner requesting a personal interview, that we might converse upon the matter of the duties at Shanghai.

On the 8th of December he excused himself from the meeting at the particular moment, on the plea of a pressure of business, but promised to appoint a day when he could find leisure. On the 11th of December I addressed him, dispensing with the interview—entering at large into the question of duties, and advising him of the impropriety of delay in solving the difficulty in which American commerce was involved by the injurious discrimination against it, made by the manner in which the customs are now administered at Shanghai. To this letter I demanded an early reply.

In a few days I told you of the position of affairs, and suggested that, as it was my wish to await at Canton my despatches from the Department of State, it might expedite the movements of the Commissioner for China, should I repair to this city in one of the war-steamers immediately; and that such a movement was at this juncture desirable, in order to exhibit apparent good understanding between the minister and the naval power of the United States. You promptly placed the frigate

Mississippi at my disposal (for a week) to accomplish the purpose indicated. I came to Canton on the 21st of December, and relieved the Mississippi on the 24th. I awaited until the 26th without an answer from his excellency, and then I advised him of my determination to instruct the vice-consul of the United States at Shanghai, by the steamer of the 29th. Thus the steps have been taken which brought me to the necessity of action; and as the position I meant to take in relation to the duties was one which would place the shipping of the United States on the footing of the most favored nation, I could not overlook the possibility, or even the probability, of resistance to my action by the Chinese authorities at Shanghai, where both a fleet and army are collected. It became my duty to advise you of the state of affairs, and I wrote you accordingly. I suggested the desire I entertained to be present at Shanghai, in order to afford counsel and direction to the vice-consul through the varying phases which each circumstance might give to affairs; and I asked for a steamer, in order that I might have despatch, and that by her presence at Shanghai at the moment when the position should be assumed which I determined to adopt, the probability of *avoiding a collision with the Chinese* might be increased, or that efficient means might be on the spot for the protection of the rights of American citizens. The demonstration I have proposed is, to protect what already belongs to us under a treaty, and to assert a clear right of American commerce and American citizens, so as to remove an injurious discrimination which is made against them by the present basis upon which the Chinese customs at Shanghai are collected. *This is the whole affair*, so far as the co-operation of the naval force is *necessarily* required.

I have heretofore read to you my instructions from the Department of State, commanding the exercise of vigilance and activity on my part to protect the rights, lives, and property of American citizens in China; and I should have neglected my duty inexcusably had I omitted to afford you the necessary information, and an opportunity to place the naval force in a position to render assistance to our countrymen, in the event of a necessity for its presence either at Shanghai or elsewhere. We want no negotiation to secure the right it is my duty to assert. I hope we shall not require any extensive "demonstration," either as to the amount of force or the length of time; but it is my official duty to employ all the necessary means that I can command, not only to protect the right, but to secure its full enjoyment to our citizens. I am at a loss to imagine how you could have confounded my assertion of the right of an American ship to leave a Chinese port without a port clearance, with any question affording room for the display of your detestation of the despotism of China, and the admiration you have for the rebels. I assure you that the only question to which your attention is called, and which can possibly interfere with any movements you may desire to make elsewhere, is connected with the rights of American commerce under the existing treaty; and the only Chinese who would interfere to prevent the full enjoyment of the right I assert for that commerce are the mandarins, the officers of that very despotic government which, "unable to sustain its own treaty engagements," would, in the supposed case, be struggling to oppress the commerce of the United

States, and might insult the dignity of their national ensign and outrage the rights of their citizens. I act upon the especial instruction from the government, which pledges to me "that the naval force in this vicinity shall be *devoted* to this important object." I exercised only a customary precaution in giving you timely information of the facts and in requesting your co-operation. I think that my letter evinced my anxiety *not* to embarrass your arrangements for the Japan expedition; nor can I conceive how the diversion of a steamer to Shanghai until the 10th or 15th of January could possibly produce such a consequence. The three steamers are now in Hong Kong; and should one go with me to Shanghai, the voyage thence to Loo Choo islands might, at any prescribed time, be made in two or three days, or she might join you when your voyage to Japan shall have been actually commenced. I have limited the time, in my note to you, at which I thought I could dispense with the steamer at Shanghai; and I doubt exceedingly, although your plans for the season may have been formed, whether your squadron will rendezvous at Loo Choo by the time limited in the requisition I submitted. It is proper to observe that, as already stated in my former letter, the step I take cannot be delayed. I dissent entirely from the idea that it is better to await the progress of events in China before asserting the rights of American citizens in this country, lest I may meet a rude refusal of my demands, which may disturb our American trade. I shall demand only the rights of my countrymen; and these I shall demand although there might not be a ship-of-war belonging to my country on this side of the globe. I shall seek the protection of those rights by the instrumentalities which Congress has provided for that purpose; and when these may not be had, I shall assert the right and leave its vindication to the future action of the Executive. I should justly incur the censure of the President of the United States were I to pretermit the assertion of the right of American shipping to an equality with that of the most favored nation, at the earliest moment when any unjust discrimination can be removed. I regret your failure to co-operate with me in affording the means to avoid probable difficulty (as I am perfectly satisfied that your prompt compliance with my request would have done) at the moment of first exercising this right; nevertheless it has already been asserted, and will be repeated and maintained.

In the further performance of my official duty I have now to advise you that the imperial commissioner answered my letter on the 28th of December. He promised merely to write instantly to Kiangnan, and to direct the taoutae "by one law to make investigations and to manage properly, and not in the least degree to suffer any irregularity." He adds that, "thus the evil of unjust discriminations it will be practicable to avoid." He declined to take any other step. To these generalities I replied, on the 31st of December, that if hereafter the flag of any other nation entered or cleared the port of Shanghai without the payment of duties, or making payments only in obligations, the redemption of which was dependent on the decision of another power than China, the ships of the United States would leave the port without any requisition for a port clearance, and no duties would be coerced from the citizens of the United States during the prevalence of the custom. As I have no idea the *British authorities will* alter the mode which they have adopted,

I can only regard the question for Chinese solution to be simply, whether the Chinese authorities will submit to the departure of American ships upon the terms I have stated, or will resist it. That must be decided by a few examples in practice, and a few days will solve the whole problem. In my opinion, the favorable solution of it would be materially assisted by the presence of a war steamer at Shanghai at the moment when the practice under the rule shall commence, and by my own personal presence to supervise "the procedure" which takes place at the time. Once fairly under way, there would be no requisition to delay any part of the squadron further; but should resistance take place, and injury to life or property be the consequence, I should deeply regret the decision you have made to decline co-operation.

The first paragraphs of your letter demand only a passing comment. Neither of the inferences you have made from my occupation of a residence in Canton is logically deducible from the premises. Though this city had been selected for my permanent and official residence, (which it is not,) it is not difficult to see that emergencies might suddenly arise to require my presence temporarily elsewhere, which I have a desire but no means to meet, unless I can obtain a national steamer. The mere fact of my furnishing my apartments proves no more than my wish to have a decent abode. As to your second inference from the same premises, I should have preferred to maintain the silence I have hitherto preserved on the subject of the provision made for the defence of Americans at Canton in the event of any difficulty here. But as your letter raises an inference from my silence and my occupation of a residence here, I say to you, reluctantly, that I do *not* concur in the opinion that a proper provision has been made for the defence of American rights and property at Canton during your absence, although I know that the means adopted met with the written approbation of the American merchants at Canton. What are the means? A British steamer of one hundred and fifty tons, manned by twenty sailors and ten Chinese, and carrying an armament of four guns of four pounds calibre each! In the event of a disturbance, the "Queen" may suffice to transport the women and children of American citizens from the city, provided they reach her decks without molestation; but to defend the lives or property of American citizens here, in the presence of an invading mob or a band of robbers, the provision made is not equal to any emergency whatever. It is impossible, however, for me or any other person to anticipate what may occur in Canton to require the active intervention of a naval force, and therefore I have preferred to be silent under the circumstances, rather than to dissent from arrangements which you had already made; nor should I have ventured the above observations except to exclude a conclusion you seem to have adopted from my silence heretofore on the subject. I apprehend from the tenor of your observations that your disinclination to my visiting Nankin may have produced or have affected your decision to decline co-operating with me; although, considering your admiration of the revolutionary army, I might be free to presume that you would have hailed my determination to gain more exact information of the prospects of the war, and of the effect its results will probably have on American interests, with sincere pleasure. The desire to gain informa

tion in relation to this country, in which my own has so large and increasing an interest, is becoming *my* official position; but could neither induce me to pretermit a single public duty, nor betray me into any act or position that could by possibility affect the neutrality of the United States. I do not consider that my ascent of the Yangtsze to Nankin, where the war steamers of Great Britain and France have been with the plenipotentiaries of those powers on board, and whence they have returned without eliciting a comment from the imperial government or an objection from its officers, could be regarded as a committal of the flag of the United States. My letter discloses other reasons connected with American interests which render such an excursion very desirable at this time. The visit to Nankin was mentioned, however, as quite apart from the main object of my proposed visit to Shanghai, and not as *necessarily requiring* any co-operation by the naval force, though a desire for a guard was expressed should it be attempted under favoring circumstances during the stay of the steamer in the port of Shanghai. But suppose that enterprise to be left to me alone, without the co-operation of the navy or any of its members, and still the main inducement remains to require the call I have made for the use of the steamer to carry me to Shanghai, and to afford, by her temporary presence, assistance and support to measures deeply affecting American commerce, and which may have an important bearing on the basis of our future relations with China.

In closing this communication, which my wish to be clearly understood has made longer than was desirable, I assure you, sir, that I should regret much to derange any of your plans for the ensuing season, or to make any diversion of your naval command from the service to which the same may have been assigned. But with no force on this coast but the sloop-of-war at Shanghai, and the little "Queen" in this river, I hope the counsels of prudence among the Chinese may relieve us from cause to regret the absence of the squadron usually assigned to this station. My object has been, however, and is, to perform my duty in the office I hold—not to interfere with your arrangements for the prosecution of the Japan expedition.

I have placed the requisitions of this office plainly before you, and I yet think it would be well to reconsider your determination, as I learn there is great uncertainty whether even a British merchant steamer will go shortly to Shanghai, and it is very important, in my opinion, that my instructions relating to American shipping should reach the vice-consul Cunningham without delay.

Should you adhere, however, to your expressed determination, I have no recourse but to submit to a result I cannot control, leaving the responsibility for your official action to the judgment of the President of the United States, having discharged my own duty.

I am, sir, respectfully, your obedient servant,

HUMPHREY MARSHALL.

Commodore M. C. Perry,
Commander-in-Chief of the Naval Forces of the United States in the seas of China and Japan, &c.

No. 12.

Mr. Cunningham to Mr. Marshall.

UNITED STATES CONSULATE, SHANGHAI,
November 19, 1853.

SIR: I have the honor to address you upon a question which has risen since your departure, respecting the non-payment of duties by a vessel under the Austrian flag, when they were required of Americans.

The Austrian barque Robert entered this port on or about the 4th of October, discharged her inward cargo, took in an outward one, and departed on the 29th of October, one day after the re-establishment of the Chinese custom-house, without challenge or interruption of any kind.

American citizens having brought this fact to my notice, and claimed similar *immunities* for their ships, I addressed the Chinese collector of customs, and all the foreign functionaries, inquiring if the said vessel had entered and paid duties to or through any of them, and was answered in the negative.

I now beg to hand your excellency copies of the correspondence, as follows: 1st. H. H. Warden's letter to me requesting return of the obligations for duties upon ship Hussar.

2d. My answer.

3d. The letter of the *taoutae*, in answer to my application as to whether the Robert paid duties or not.

4th. My last letter to the taoutae.

To this no reply has been received, and I therefore consider it to be my duty to place the matter in your hands without further loss of time.

The ships Fleetwood, Living Age, and Syphoon, cleared at the same time, and many others just before or after.

I have the honor to be, sir, very respectfully, your most obedient servant,

EDWARD CUNNINGHAM,
Vice-Consul U. S. A.

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SHANGHAI, *November* 2, 1853.

SIR: I beg to state that the American ship Hussar cleared on the 29th ult., and that Messrs. Russell & Co. gave certain duty obligations upon shipments made by my orders; also that the Austrian barque Robert left her anchorage on the same day, and has proceeded to sea without, to the best of my knowledge and belief, meeting with any challenge or obstructions from the Chinese custom-house authorities, who, according to the terms of your notification of the 28th ultimo, had been returned the exercise of their functions. I am prepared to establish the fact that at least one shipper and consignee by the said barque Robert has not been called upon to pay, or give obligations, for either

import or export duties, and beg to ask whether, in case it is satisfactorily shown that no duties will be demanded or paid upon the said vessel or cargoes, and upon the ground that American vessels cannot be placed at disadvantage with those of other nations, you will return to Messrs. Russell & Co. the obligations above referred to.

I am, &c., &c.,

H. H. WARDEN.

EDWARD CUNNINGHAM, Esq.,
Vice-Consul U. S. A.

—

UNITED STATES CONSULATE, SHANGHAI,
November 2, 1853.

SIR: I am in receipt of your letter of to-day, and give attention to the important fact communicated by you, and which you say you are ready to substantiate, that a vessel under the Austrian flag left this port on the 29th ultimo, after the re-establishment of the Chinese custom-house, without paying duties upon her inward or outward cargo.

With respect to your inquiry whether the obligations given by Messrs. Russell & Co., on your behalf, for duties upon the American ship Hussar, will be given up in case the above statement is fully proved, you will readily perceive that a step involving so much responsibility cannot be taken without the necessary legal notices to the Chinese authorities calling upon them to recover the dues upon the Robert, and failing their so doing, the reference of the question to the high authorities of the United States and China.

The matter shall have my immediate attention.

I remain, sir, &c., &c., &c.,

EDWARD CUNNINGHAM,
Vice-Consul U. S. A.

H. H. WARDEN, Esq., *Shanghai.*

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Woo, taoutae, replies to Mr. Cunningham's letter respecting the Austrian barque Robert:

I am just in receipt of your letter informing me that the above vessel entered this port, and went again from it on the 29th October; and also that you do not know whether her duties have been paid.

In reply, I have the honor to state that the said vessel did not pay any duties at all, and that this is the first occasion of an Austrian vessel visiting this port.

P. S.—As I am at this time much pressed with business, I beg you to do for me what you may think proper respecting the duties of said vessel.

NOVEMBER 3, 1853.

Cunningham, &c., to the taoutae, Woo:

Regarding the matter of the Austrian brig Robert, I have to say that that vessel was not cleared at any of the foreign consulates; and as you inform me that she did not report herself to you, it follows that she went away without paying any duties whatever.

You are aware that the second article of the United States treaty with China very particularly provides that no subjects or vessels of any foreign power, whatever, shall have privileges in China not enjoyed by American citizens. American citizens have already complained to me that the Robert entered and left without paying duties, and justly say that if such practices are allowed by the imperial government, it will be ruinous to their trade, as they cannot freight their vessels under such unfair competition.

I feel, therefore, compelled to say that, unless you force the consignees and shippers by the Robert to pay their duties, or give obligations for them, I must require of you that you place on the same footing those American ships which cleared at the same time; and in case you refuse, I must represent the matter to his excellency the Commissioner of the United States, for decision by the higher authorities of our respective governments.

UNITED STATES CONSULATE, SHANGHAI,
November 5, 1853.

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No. 13.

Mr. Marshall to Mr. Cunningham.

MACAO, *December* 13, 1853.

SIR: I received your communication relating to the question arising on the sufferance and lading and clearance of the brig Robert, by the Chinese authorities.

It has already been made the subject of correspondence in the proper quarter. In consequence, you will retain at the consulate all obligations taken for duties on American shipping since the 4th day of October, *until further advices*. In regard to the other case, of the Jennet, I am sure you designed to fall exactly into the line which you thought I meant to pursue; but you have fallen into an error from a misconception of my position.

It is not my purpose to make you a fund holder of Chinese customs. I did what seemed to be required by the comity of nations, and by the requirements of the sudden emergency when the provisional regulations were adopted.

But whatever obligations existed to take that care in the emergency, ceased when the Chinese officers resumed their functions. If, after a deliberately prepared effort to administer their government, they fail again, either from the successful effort of insurgents, or from a submission to interference by other powers, our obligations cease also; for to resume, under such circumstances, the administration of the customs,

would be to assume the government of Chinese affairs indefinitely. Moreover, *if China concedes (by submission to the announcement, and practice by their public authorities)* that French ships may leave the port without paying, or that Great Britain may compulsorily collect obligations, the redemption of which shall depend on the will of the British government, then the *treaty gives the right to American vessels*, also, to leave without paying duties at all; and I intend to *enforce it as a treaty right*, not a gratuity. I have written at length to the imperial commissioner, requiring his answer directly, and stating to him that if he cannot assert his government at once, at Shanghai he must voluntarily dispense with the collection pending the disturbances; or that I shall feel it to be my official duty to do so as to American shipping. The merchants at Shanghai will find this to be the solution shadowed forth in my reply to them of the 1st of November; but then no case was ready for my action. I now have to request that you will, as far as possible, avoid embarrassing my policy with any action until I shall write you again, which will be by the very first opportunity.

If the gentlemen who freighted the Jennet have given obligations, I have no objection; but you must let the superintendent of customs know that you will not take any new obligations as a matter of duty, and the United States government will not be responsible in the event of loss. I am prepared, upon the presumption that everything remains in *the status of the 1st December*, to clear vessels of my country *without paying duties at all*, until they are collected by the Chinese officers from Great Britain and France; but I desire to wait a few days for the reply of the imperial commissioner, as I prefer that it should be his own act rather than mine. This paper is of course only intended for your own inspection at present.

The practice of taking obligations for duties which may or may not be paid at the will of the British government, is in effect to administer the customs without regard to Chinese government; and if the latter submits to it, it is my intention to cut the knot *by treating Shanghai as a free port*, because I shall have that right *according to the treaty*. I must have an open and fair competition. I want to understand the meaning of British policy. If that power proposes to *ignore* the Chinese government when its officers desire to perform their regular duty, I may not have any objection to her course; but I shall be abundantly cautious, within the proper sphere of my action, that it does not result in any injuries to interests which I am here to foster and protect.

Very respectfully, your obedient servant,

HUMPHREY MARSHALL.

EDWARD CUNNINGHAM, Esq.,
Vice-Consul U. S. A., Shanghai.

No. 14.

Mr. Cunningham to Mr. Marshall.

UNITED STATES CONSULATE, SHANGHAI,
December 24, 1853.

SIR: I have had the honor to receive your letter of December 13, and will act in accordance with the instructions given. I shall not at present take any step, as you request me to avoid action as far as is possible, and none seems necessary; for though the ships Channing and Snow Squall are about to clear, they do so under the note system, which contains the clause "payable if the sanction of the United States government is obtained," which will save collection if your excellency authorizes their recall.

This could be easily effected in the interior under various pretexts, in a way which would render even complaint almost impossible. I have to call your excellency's attention to the published account of the Cassini's visit to Nankin, and the manifestation by the insurgent chiefs of indifference to foreign power and influence, and perfect reliance not only on their position as the first *in China*, but that of being without equals in the world. This is further exemplified by my private correspondence, which details matters of much significance, though of small importance in themselves, and which cannot be included in a public despatch, as the source from which they come is private. These statements lead one to infer that the chiefs of the new power will not be willing to treat with foreign nations upon terms of equality; and, moreover, if difficulties occur, they will not be averse to the use of force to carry out their own views. With such a possibility, it seems very desirable that the American naval force at this station should be increased, as this is the point where the first meeting will in all probability take place. I have received from Mr. D. B. McCartee, of Ningpo, information of outrages committed upon native boats by foreign seamen calling themselves Americans, who have hired Chinese boats, armed them, and assumed the business of *convoying*. They bring in boats which they call pirates, confiscate their contents, and destroy them. The Chinese complain that the said boats are innocent traders, and ask for redress.

I have applied to Captain Walker, of the Saratoga, for an officer and men to send to that port for the purpose of arresting the offenders and putting a stop to practices which will inevitably result in the massacre of all sailors thought to be American who can be found unprotected by the natives, besides bringing disgrace upon our flag and name. He is, however, unable to give the aid, though I offered my own yacht for their conveyance without charge. I beg, therefore, to request that, if it is possible, some measure may be taken to keep order at that port, which is more or less a resort for dissolute sailors, from its proximity to Shanghai.

I have suggested to Captain Walker that the schooner Spec (formerly the United States schooner Flying Fish) might be chartered for a small sum, manned from the ship-of-war on the station, and con-

stantly employed in such service. This would obtain the end required, besides being very beneficial to the crew and officers of the ship.

I have the honor to remain, sir, your most obedient servant,

EDWARD CUNNINGHAM,
Vice-Consul U. S. A.

Hon. H. MARSHALL,
United States Commissioner, Canton.

No. 15.

Mr. Marshall to Mr. Cunningham.

LEGATION OF THE U. S. A., CANTON, CHINA,
January 4, 1854.

SIR: In order to avoid the unjust discrimination against the shipping of the United States which will result from a concession of the basis of administration of the duties at the port of Shanghai which has been made to the British, French, and other powers, I have had, since my arrival in the south of China, an official correspondence with the Chinese imperial commissioner, from which I extract the following statement by him and reply by me, to indicate to you the exact line of duty you are expected to pursue henceforth in relation to the customs at Shanghai.

Extract from a despatch from his excellency Yēē, governor-general and imperial commissioner, to Mr. Marshall, December, 1853.

"I, the minister, as behooves me, will instantly address the taoutae at Shanghai, and direct him in sincerity and truth, by one law, to make investigations and manage properly, and not in the slightest degree to have any irregularity; and thus it will be practicable to remove the evil of unjust discriminations."

Extracts from Mr. Marshall's reply to the foregoing, December 31, 1853.

"It only remains, therefore, to observe that, if the Chinese government shall require and enforce the prompt payment of duties at Shanghai from all nations, the authority of the United States of America will always be readily exerted to compel the payment, if necessary, of said duties by citizens of the United States, according to the letter and spirit of the treaty. If, on the other hand, the flag of another power shall hereafter enter and depart from the port of Shanghai, either without the payment of duties, or upon a regulation which dispenses with a cash payment and substitutes therefor a promissory note or other obligation, the payment whereof is made to depend on the will and is referrible to the decision of another power than China, this regulation will be accepted by the United States as sufficient evidence of the intention of the sovereign of China to accord to the foreign power in whose favor such concesssion shall appear entire freedom of commerce

at the port of Shanghai, should such power think proper to claim it. In the exercise of the right secured to citizens of the United States by the second article of the treaty, the consul of the United States, in that event, will be at liberty to deliver the registers of vessels of the United States without the production of the port clearance, and citizens of the United States will not be required to pay any duties on imports or exports to that port so long as said practice shall prevail.

"The United States of America demand no privileges greater than those accorded to the most favored nation; they will not be contented with less. If the Chinese public authority waives the administration of the customs by collecting notes therefor in the consulate of a foreign power over the payment of which this government has no control, it is the same in substance as a grant to such power of free trade to the port, should the same be desirable. The action of the consul of the United States at Shanghai will henceforward be determined by that of the Chinese authorities, in executing the above directions of your excellency."

* * * * * * * *

"The consul of the United States at Shanghai will afford every proper facility to the Chinese superintendent of customs for the speedy and convenient despatch of business, and in all transactions will be guided by a strict sense of justice; but he will not undertake to participate in the administration of the customs or any other branch of the imperial government, nor can he assume obligations which may embarrass or impede the due discharge of the trust with which he is clothed by the government of the United States of America. It will be impossible for the consul of the United States to become the deputy collector of the Chinese revenue, or for the United States of America to become in any degree bound for the same."

* * * * * * * *

"It will be fair to await the result of your efforts to collect the duties in the case of the Austrian barque 'Robert,' before proceeding at all upon obligations for duties due by vessels of the United States, clearing since the 4th day of October. That decision will be satisfactory, and seems just."

From the foregoing extracts, which exhibit the result of my correspondence touching the commerce at your port, you will have no difficulty to understand that, should the British consul continue to take notes, payable or not, according to the will of her Britannic Majesty's government, at London, (as they have been taken heretofore,) you will at once *act* upon the position assumed by me, and clear American ships without taking any note of the duties whatever, without requiring any port clearance, and in all respects treating Shanghai *as a free port*. This is an American right, under the treaty and according to the treaty, which arises upon the state of case supposed, and which you will exercise from the first moment that its assertion becomes proper. A return must be made immediately to the former regulations under the treaty, and honestly practised upon, or the platform of the broadest advantage which can possibly result from any future action of other powers will be at once occupied by the United States.

Should any attempt be made by the Chinese authorities to interfere with the departure of an American vessel under the liberty you give to such to depart, or any resistance be made to her entry upon the anchorage in your port, you will request the commander of any vessel of war of the United States which may be in Shanghai to afford immediate protection, by the employment of all the means at his command, but to proceed no farther than shall *be requisite in the defence* of the property and rights of the citizens of the United States.

Should the consuls of other powers agree to the administration of the customs by the Chinese superintendent *on a credit system*, the obligations being given at the Chinese custom-house by the shippers directly and absolutely, and without reference to the will or upon a condition over which another government has control, while I shall have no objection to your agreeing to adopt such a system for the accommodation of all parties, you will be careful to specify, in such case, that the government of the United States will not be bound to any degree whatever for the solvency of the obligors of said notes, or for loss arising from any other irregularity, nor will any lien upon American bottoms be acknowledged to arise from a failure of parties to meet their engagements.

I believe I have now made myself clear upon the whole case; and I congratulate you that, by the strict pursuit of our national duty, we are in a position, without violating a treaty stipulation or giving just offence in any quarter, to assert all our national rights and to maintain the commerce of the United States on the footing of the most favored nation, without loss from any unjust discrimination being possible, under any regulation whatever, made or to be made by others.

I am, sir, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

EDWARD CUNNINGHAM, Esq.,
Vice-Consul U. S. A. at Shanghai.

No. 16.

Mr. Marshall to Commodore Perry.

LEGATION OF THE U. S. A., CANTON,
January 8, 1854.

SIR: Annexed you will please find an extract from an official communication received at this legation to-day from the vice-consul at Shanghai.

I feel it to be my duty to urge your immediate attention to it, as it would appear, from the inability of Commander Walker to furnish a guard to prevent the outrages alluded to, that the force at present under his orders is unequal to such emergencies as may at any moment arise.

It is due to our national character that such combinations of desye-

radoes, wearing the name of Americans, should be suppressed promptly and punished summarily.

I am, sir, most respectfully, your obedient servant,

HUMPHREY MARSHALL.

[Official—No. 39.] LEGATION OF THE U. S. A., CANTON, *January* 25, 1854.

SIR: I had the honor to receive your official note No. 9 on the 15th of this month. I have tried to obey the pleasure of the President in the course I pursue. Considering the circumstances existing here, your omission to express any desire for me to await the actual arrival of Mr. McLean, and the custom in like cases, I have determined to set out on my return to the United States on the 27th instant; at which time the archives of the legation will pass into the possession and care of Mr. Parker, the secretary. To bring the business of the legation properly before you to this date, I beg to submit to you additional papers, from No. 1 to No. 8 inclusive, which demand no special comment from me at this time.

The news from China I shall have an opportunity to give you, in person. There is no change therein, however, from my last despatch, requiring special remark.

I have to advise you that I have drawn upon you, as Secretary of State, for the exchange necessary to realize my salary, at this place, to the 27th instant; and also for a half year's salary, at this place, as allowed by Mr. Webster's instructions to Mr. Cushing, when on this mission. I hope to be in Washington as soon as the drafts; but, if I have erred in drawing upon you instead of some other officer, I trust you will honor the drafts, as the rectification can be made upon my arrival at Washington. I also submit an account of expenditures from the contingent fund, for which I have drawn against said fund to balance; and I shall present some few additional items at your department after my return.

In closing my connexion with this mission, I desire to remark that it was committed to my guidance without having been, in any manner, sought by me. I felt grateful for the confidence which a bestowal of the honor expressed. In surrendering the trust to my successor, I can but add my sincere hope that *he* may be sustained by his government; for without a cordial support to the Commissioner to China, and *the disposal of force to sustain his efforts*, no energy or talents will avail to win the success that will compensate *him* for an exile from his native land, or enable him to develop properly those interests which the United States have in China, the imperfect perception of which has created and awakened extravagant expectations by the American people.

I remain, sir, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

Hon. W. L. MARCY,
Secretary of State.

Commodore Perry to Mr. Marshall.

FLAG-SHIP SUSQUEHANNA,
January 12, 1854.

SIR: Constant official employment preparatory to my departure from this port. and other indispensable public occupations, have prevented me until this time from acknowledging the receipt of your despatch of the 4th instant. I now do myself the honor of replying to that, and to the communication more recently received from you.

With respect to the first, I may remark that the reasons assigned by me in my letter to you of the 29th are still in full force, and I see no cause for deviating from the course therein indicated. In order, however, that our government may be made acquainted, at the earliest moment, with all the circumstances, I transmitted by the mail of yesterday a copy of your despatch, being myself desirous of having all my acts scrupulously scanned.

As to the statement made by Mr. Cunningham in the extract of his letter of the 24th ultimo, appended to yours of the 8th instant, I can only say that I have letters from Shanghai, official and private, dated respectively the 24th, 27th, 29th, and 31st ultimo, and have verbal information to the 1st instant, and not a word is mentioned of the state of things described by Mr. Cunningham; and Commander Walker, from whom I have letters of the 24th, and two of subsequent dates, does not in the remotest manner allude to any application made to him by Mr. Cunningham.*

I have seen an American gentleman of great intelligence who has recently visited Ningpo, who informs me that he was not aware of any unusual disturbance in that vicinity. It seems singular that Commander Walker should not have communicated such important information in his letters, as he has hitherto been so very particular in keeping me acquainted with every event of interest that has transpired at Shanghai and its neighborhood.

By reference to the subjoined extracts you will perceive that Commander Walker has discretionary power to act in cases similar to that described by Mr. Cunningham; I must therefore infer that he did not deem it advisable to do so. I shall, however, transmit to him a copy of your communication of the 8th, together with the remarks of Mr. Cunningham.

Very respectfully, your obedient servant,

M. C. PERRY,
Commander-in-chief U. S. N. Forces East India, China, and Japan seas.

Hon. HUMPHREY MARSHALL,
U. S. Commissioner, Canton.

Extract from a letter from Commodore Perry to honorable Humphrey Marshall, dated the 29th September, 1853.

"Commander Walker has been instructed to proceed to Fuhchow or Ningpo, should he, on consulting with you, deem it necessary at

*See enclosed copy of letter from Commander Walker.

any conjuncture to do so, and from thence to return to Shanghai, and I shall have an extra ship ready to hasten to either of those places from the south, should the information constantly received at this place from the coast north and south make it expedient to despatch one."

Extract from a letter from Commodore Perry to Commander Walker, dated September 30, 1853.

"If, on consultation with his excellency Mr. Marshall, you should deem it advisable at any conjuncture to leave your present station at Shanghai to visit the port of Ningpo or Fuhchow, you are authorized to use your discretion in the matter; presuming, of course, that you can leave Shanghai temporarily, as there will be other national vessels at that place."

—

U. S. SHIP SARATOGA, SHANGHAI, CHINA,
December 24, 1853.

SIR: By the hasty departure of an opium schooner for the southern ports, I have only time to acknowledge the receipt (per Lady Mary Wood) of your despatch dated the 12th and 13th instant, with the accompanying private letter, and documents from Commander Adams, which I shall answer by return of steamer.

Nothing of interest has occurred here since my last dates.

The Cassini returns with Mons. de Bourboulon from Nankin on the afternoon of the 18th instant. I transmit herewith an account of his excellency's visit to that place in an extra of the Northern China Herald.

I have the honor to be, sir, very respectfully, your obedient servant,
W. S. WALKER,
Commander.

Commodore M. C. PERRY,
Commander U. S. Naval Forces East India, China, and Japan seas.

NOTE.—Since the receipt of the above I have received letters from Commander Walker of the 27th and 29th, and from Purser Wallis of the 31st. M. C. PERRY.

—

(A.)—*Charles W. Bradley, senior, to Mr. Marshall.*

EAST HADDAM, CONN., *March* 9, 1853.

SIR: I have the honor to inform you that under this date I have communicated to the State Department my revocation of the authority of Mr. Charles William Bradley, junior, to act as vice-consul for the port of Amoy; which revocation is to take effect on and after the 20th day of June, 1853.

Hereof Mr. Bradley, junior, has also been duly notified, and has been directed immediately to forward to the legation at Canton all books, funds, and other property of the consulate which may be in his hands at the expiration of the said term.

With the highest respect, I have the honor to be, sir, your most obedient servant,

CHARLES WILLIAM BRADLEY.
United States Consul for Amoy.

His Excellency HUMPHREY MARSHALL,
United States Commissioner to China.

Mr. Marshall to Charles W. Bradley, junior.

LEGATION OF THE U. S. A., SHANGHAI,
June 21, 1853.

SIR: I have the pleasure to acknowledge your official report under date of the 31st ultimo. I have received the enclosure which accompanies this note, (A,) whereby you will perceive that your official character ceases from this date. You will be kind enough to forward the flag, seals, and papers of the consulate to my address at Canton, directed to the care of Russell & Co., with a report of all your official acts and accounts to this date. I shall be pleased to hear from you from time to time, as matters worthy of being communicated to me may arise at Amoy.

I am, very respectfully, your obedient servant,

HUMPHREY MARSHALL.

C. W. BRADLEY, JR., Esq., *Amoy.*

Charles W. Bradley, junior, to Mr. Marshall.

AMOY, *September* 8, 1853.

SIR: I beg to inform you that I have this day shipped on board the "Commercial Company," Batyrs, master, at Hong Kong, 1 box, as per bill of lading, H. H., care of Messrs. Russell & Co., Canton. The same contains papers, records, seal, and flags of the Amoy consulate, as per note herewith.

I also enclose a bill for $120 04, (one hundred and twenty dollars and four cents,) being for money accumulated for the relief of destitute American seamen at this port.

And remain, sir, your most obedient servant,

C. W. BRADLEY, JR.

His Excellency HUMPHREY MARSHALL,
United States Commissioner, &c., &c., &c.

Mr. Marshall to Charles W. Bradley, junior.

LEGATION OF THE U. S. A., CANTON,
December 29, 1853.

Charles William Bradley, junior, esq., is hereby empowered to act as consul for the United States of America at the port of Amoy, in China, until the will of the President of the United States touching this power shall be made known, or a successor duly commissioned by the President of the United States of America shall arrive to relieve him. He is to be respected and obeyed as a consul of the United States of America, and may discharge all and singular the functions of a consul (except the judicial powers conferred by the act of 11th August, 1848) under the power which I, the Commissioner of the United States, hereby confer by virtue of my own office.

In testimony whereof, I have hereunto signed my name and have affixed the seal of legation, this 29th of December, 1853, at [L. S.] Canton, in China.

HUMPHREY MARSHALL.

Mr. Marshall to the acting Consul at Hong Kong.

MACAO, *December* 17, 1853.

SIR: Mr. William Buckler, a citizen of the United States of America, has placed before me papers which prove that, in March last, while he was proceeding from Macao to Canton, on board the passenger steamer Canton, (which is under the British flag,) he was arrested near Macao, in Chinese waters, far beyond the jurisdiction of Hong Kong or "its dependencies" by virtue of a *capias* issued by the supreme court of Hong Kong in the name of her Britannic Majesty. This arrest was effected by special bailiffs of the sheriff of Hong Kong colony. He was, in custody of these, transported to Hong Kong, and by the sheriff was committed. Bail was refused by the officers prior to his arrival at Hong Kong, and he was subsequently released from this arrest only to be *rearrested upon an alias capias*, which service was supposed to be binding upon him, *as he had been brought within the boundary of the colony.* The papers alluded to prove that the object of this proceeding was *to obtain service of process in a civil suit* instituted at Hong Kong by one Leprait, a British subject, against Mr. Buckler, to fix upon him a liability for about $1,000 as the endorser of a bill of exchange. After settling this demand, proceedings were discontinued, and then Mr. Buckler instituted a suit against the sheriff for this arrest; but the court instructed a nonsuit to be entered, "upon some point connected with *privilege*," which Mr. Buckler does not appear to comprehend, and has not, therefore, clearly described. The result seems to have been that this citizen of the United States, after suffering an illegal arrest and seizure of his person by virtue of a legal writ issued in the name of her Britannic Majesty, whereby he was taken from his business and proper pursuits, has ineffectually applied to a British court of justice for redress. He now applies to the agents of his own government for such action, to

obtain redress, as it may be in their power to afford. His application has been made to me as the highest officer in this section, and I would have great satisfaction in prosecuting his interests, but that the government of the United States has not extended my power to enable me to transact the business which falls properly within the range of affairs cognizable by the minister to Great Britain, or by the United States consul at Hong Kong. I am restrained, therefore, by considerations of official propriety, from addressing his excellency the governor of Hong Kong, while you are in the colony of Hong Kong, to act in behalf of Mr. Buckler.

The case is not one of any difficulty, and I have no doubt his excellency Sir S. G. Bonham will settle it satisfactorily to the government of the United States and to Mr. Buckler, immediately that you bring it to his notice officially. Should he decline to do so, however, you should transmit your correspondence with him, and a complete record of the case, to Mr. Buchanan, that he may obtain satisfaction at London, or take such steps as *he* may think the case requires.

It is a case of *an abuse of legal process by a public officer*, for which, of course, the government of Great Britain, while it will disavow the act of the officer, will compensate the injured party. The principle of public law which establishes the liability of Great Britain in the case, is so plain that it needs no discussion. It is the same principle upon which all actions on the case turn in the courts of justice when a master is held liable for injuries done by his servant through an abuse of power while executing the business of his employer. In this affair the sovereign of Great Britain directs her servant, the sheriff, to arrest a party if to be found in the colony. The servant goes beyond the colony and effects the arrest, to the injury of the citizen of the United States, and, *by this act*, insults the sovereignty of the United States, which is the protection of that citizen in his avocation wheresoever he may lawfully be. His excellency will disavow the trespass of the officer, and will take proper measures to correct him, and he will indemnify Mr. Buckler against damage from this act.

You should not permit any citizen of the United States to suffer a wrong within your jurisdiction without a prompt vindication of it by those steps which are within your power to obtain redress for him. So long as Mr. Buckler thought proper to attempt his redress by an appeal against the sheriff to the British tribunal, it was proper to leave him to that course, (as it cannot be doubted her Majesty's government was not willingly privy to this violation of Mr. Buckler's rights;) but when he turns to his own government for redress, the case admits of no question as to his rights, and I have no doubt it will be immediately adjusted on a proper and acceptable basis.

Mr. Buckler should make out a claim for his expenses by reason of detention by this unlawful arrest, and for a *fair* remuneration for losses arising from his imprisonment, and for such *damage* as that imprisonment occasioned. You should present this for payment.

Respectfully, &c.,

HUMPHREY MARSHALL.

To the ACTING CONSUL *of the U. S. A.*, Hong Kong.

Report of number of vessels and amount of tonnage moored in Shanghai for the year ending September 30, 1853.

Flags.	Ships.	Barques.	Brigs.	Schooner.	Steamers.	Total number.	Tonnage.
British...	34	31	4	15	10	94	35,610
American.	48	9	1	3	1	62	41,501
French....	1	0	0	0	0	1	392
Dutch....	0	7	0	0	0	7	2,466
Danish...	0	1	0	0	0	1	312
Hamburg.	0	3	0	0	0	3	848
Spanish...	0	0	2	0	0	2	285
Prussian..	2	0	0	0	0	2	1,154
Siamese..	1	1	0	0	0	2	700
Swedish..	0	1	0	0	0	1	388
Total 1853	86	53	7	18	11	175	83,656
Total 1852	67	71	15	24	5	182	78,165

Vessels-of-war.

	Frigates.	Ships.	Brigs.	Steamers.
British	1	0	1	0
American	0	2	0	2
French	0	0	0	2

This report is signed by N. Baylies, harbor-master, and submitted to his excellency H. Marshall, United States Commissioner.

—

Mr. Marshall to Yéé.

LEGATION OF THE U. S. A., CANTON,
January 11, 1854.

SIR: The undersigned is instructed by his government to present to the Emperor of China additional volumes of "Wilkes's Exploring Expedition," being volumes 12 and 13, and a Synoptical Index of the Laws of the United States.

These works the undersigned now hands to your excellency as the commissioner of the empire for foreign affairs, requesting that they may be forwarded to your sovereign in the name of the government of the United States of America.

The undersigned has the honor to be, &c., &c.,

HUMPHREY MARSHALL,
Commissioner U. S. A., &c., &c.

His Excellency YÉÉ,
Commissioner and Minister for China, &c., &c.

Mr. Marshall to Yéé.

LEGATION OF THE U. S. OF AMERICA, CANTON,
January 20, 1854.

SIR: As it is the practice to close the public offices for some days prior to the Chinese New Year, I deem it proper now to advise you of my purpose to retire from this legation on the 27th instant, to take the steamer of that date for Europe.

I shall be obliged to your excellency to signify the fact of my retirement to the government of China, and that my successor, Hon. Robert M. McLane, may be expected very shortly to arrive in China as the Commissioner of the United States of America.

Should your excellency find it necessary, after the 27th instant, and before Mr. McLane's arrival, to communicate with this legation on official business, Mr. Parker, the secretary, will be the chargé d'affaires *ad interim.*

I am, very respectfully, &c., &c.,
HUMPHREY MARSHALL.

His Excellency YÉÉ,
Minister and Commissioner of Foreign Affairs for the Ta Tsing Empire, &c., &c., &c.

—

Yéé to Mr. Marshall.

Yéé, hereditary marquis of the first grade, governor-general of the Liáng Kwáng, *ex officio* a president of the board of war, a vice-guardian of the heir-apparent, minister and commissioner of the Ta Tsing empire, has the honor to acknowledge the receipt, on the 16th instant, of the honorable Commissioner's despatch, together with two volumes of the Exploring Expedition and one volume Synoptical Index of Statutes at Large, with request that they may be presented to my sovereign. I want an occasion to memorialize his Majesty when it will be convenient, in behalf of the government of the United States, to transmit them.

Moreover, on the 21st instant, I also received a despatch informing me of the honorable Commissioner's proceeding to Europe, and that until the arrival of his successor anything requiring management is to be delivered over to Mr. Parker, secretary of legation, chargé d'affaires *ad interim*, both of which I have perused and fully understand. As requisite, I make this reply, and avail myself of the occasion to present my compliments, and trust that of late his blessings have been increasingly tranquil.

His Excellency H. MARSHALL,
Commissioner of the United States of America to China.

HIENFUNG, *3d year, 12th month, 29th day,* (*January* 23, 1854.)

A faithful translation.

PETER PARKER.

Peter Parker to Mr. Marshall.

CANTON, *January* 19, 1854.

DEAR SIR: Among the translations of several documents herewith handed you, I wish particularly to call your attention to the imperial edict published in the Pekin Gazette, of the 14th July, 1853.

This document is of great importance, at this time, from its bearing upon the questions which have excited so much interest not only in the East, but also throughout occidental nations, viz: the proper rendering into Chinese of the name of the Deity, or what is the generic term in Chinese for God, whether true or false; one division of the disputants, principally English, contending for [Chinese character] *Shangti;* the other, Americans, for [Chinese character] *Shin.*

Perhaps no higher authority than that of his Imperial Majesty, furnished by this edict, can be adduced, and it may not be too much to say that with all enlightened and unbiased judges, competent to decide in the controversy, it would be sufficient to place the issue upon the use of the character [Chinese character] *Shin,* in this imperial rescript. The character appears no less than eight times, and in one instance occupies the *highest* place in the column, which, in Chinese, is definitive of its meaning; it is on a level with [Chinese character] *Kwanti,* one of the acknowledged and principal gods of China. I have not hesitated to render it God, and it is only necessary to substitute, instead thereof, the word *spirit,* and the *reductio ad absurdum* is most apparent, even to scholars unacquainted with Chinese.

Respectfully and truly yours,

PETER PARKER.

His Excellency HUMPHREY MARSHALL, *&c., &c.*

Imperial Edict of 14*th July*, 1853.

Whereas Luh-Ying-Kuh has memorialized the throne, conformably to instructions, to make investigations respecting the raising the siege of Ho-Nan, and concerning the gods [Chinese character] *Shris,* of intelligence, who aided and conformed to the Tartar dynasty, "requesting additional hours to be awarded to [Chinese character] *Kwanti,** and also requesting me to confer new tablets to be placed over the doors and in the temples of the different gods, [Chinese character] *Shris,* of the Wind, Clouds, Thunder, and Rain, together with the god [Chinese character] *Shris,* of the (Yellow) river, &c.," I have examined and found that at the time the provincial city of Ho-Nan was besieged by the rebels, fortunately we were indebted to Kwan-Ze for manifesting his glory by a great thunder-storm, causing all the powder of the insurgents to become damp, and the water in the dykes suddenly to rise several chang,† and our troops going out of the city made a bold

* One of the deities of China.

† A chang is equal to 5 cubits.

assault upon the rebels, who, in a state of disorder, dispersed; and when subsequently the insurgent boats at the district of Kang desired stealthily to cross over the river, he caused the water in the (Yellow) river suddenly to rise five chang,* and to run so violently that the boats were tossed and broken, and a countless number of the long-haired rebels were drowned; and, again, the insurgent boats at Lew-Yurn-fer, clandestinely crossing the river, in consequence of the water in the river suddenly subsiding, took the ground, so that a great number of them were taken prisoners; for all which I am indebted to the gods [Chinese character] *Shris*, for their majestic protection of me, the Em peror, and the imperial heart profoundly venerates and thanks them; and it is just and right to increase and exalt his (Kwanti) titles, in order to manifest my reverence; and, as to all that is proper to be done in promoting his honors, I direct the board of rites reverently to deliberate and duly memorialize me; and, as to the different gods [Chinese character] *Shris*, of Wind, Clouds, Thunder, and Rain, together with the god [Chinese character] *Shin*, of the (Yellow) river, I direct that the board issue one tablet, with my imperial autograph, to the temple of each of these gods [Chinese character] *Shris*, and deliver them to the said governor, (Luh-Ying-Kuh,) respectfully and carefully to put up, in order to reward these gods [Chinese character] *Shris*, for their protection.

By the Emperor.

A faithful translation.

PETER PARKER.

—

Memorial to the Emperor, by his excellency Eleang:

I make up this respectful memorial, and, looking up, beseech the holy inspection. Considering the request of Marshall, the Commissioner of the United States of America, to bring a national letter, and his desire and entreaty to have an interview with me, to be in conformity to the treaty, upon examination thereof, I have already granted his request, having first memorialized the throne, which is on record.

I, your slave, on the 28th June, commenced my journey from Chang Chow, and on the 1st July arrived at the district of Kwan-Shan, in the department of Loo Chow, and Woo Kien Chang, (Samkwa,) circuit judge of Loo Chow, Sankeang, and Tae Kang, came to meet me; and, according to his statement, said nation hitherto has not given much trouble, and the said barbarian chieftain also is not proud and domineering, and therefore I need not fear to come to Shanghai to have an interview with him; but apprehensive other nations may imitate and exceed the precedent, and a multiplicity of persons coming and requesting to see me, the governor-general, on my recent entrance upon the office, in order to obtain distinction for themselves, and as it will be difficult to avoid business which may cause excessive delay, and, moreover, he was concerned lest in other respects germs of evil may

* Five chang equal about 60 feet.

arise; but not so if I ordered the said chieftain to come to an interview at Kwan-Shan, and thus the subject of an interview can be disposed of, &c., &c.

Moreover, the said chieftain has addressed me a communication, requesting me to appoint a time for a meeting, &c., &c.

Your slave is humbly of the opinion the expressions of the taoutae move in unison with the machinery; and it is a fact, if he did not thoroughly understand the disposition of barbarians, he could not thus have expressed himself. I immediately replied to the aforesaid communication, after which I ordered the taoutae to send a man to inform the chieftain that, upon the 4th July, he, the chieftain, should be taken in company by the taoutae to an interview at the Kwan-Shan city, Contoo.

The barbarian business which he presented, consisted of a national letter and a Chinese translation of the same, all of which were under close seal, which he in person presented to me to receive, and after the lapse of two hours he retired. His language and deportment were altogether proper and respectfully obedient. The taoutae also took the chieftain's copy of the translation and examined its phraseology, and very properly there was nothing in it at variance with the treaty. But, nevertheless, as the translation of the document within was sealed up closely, I could not know to what it might relate, and dared not to receive it, regarding it as a true copy. So, after the chieftain had retired from the Contoo, your slave, in conjunction with the taoutae, took the sealed Chinese translation, and having first opened the seal, carefully compared each character, and found the correspondence between them to be exact.

In my humble opinion the national letter brought by the chieftain is in conformity to the formerly imperially ratified regulations, (treaty;) and the said nation having recently changed its Commissioner to the flowery land, wishes to take the name and surname of the new Commisioner, and send them up for Heaven (the Emperor) to hear, and still to beg for amicable relations, and, as usual, to carry on commerce. There is nothing in it very trivial or important to be noticed, except the statement that he had been appointed and directed to be presented to an imperial audience at court. This, seeing the Emperor has not been memorialized upon the subject, and granted it to be done, neither is it provided for in the treaty, will be difficult to allow. The ministers of each of the foreign dependencies that acknowledge allegiance to our dynasty, all have their year for bringing tribute; and the tribute-bearers, on arriving at Pekin, first practise the ceremonies of kneeling and knocking heads; after which your ministers memorialize your Majesty, and request a time to be settled and orders issued for them to follow in their order, to be introduced to an audience of the Emperor; but never has there existed a law granting them an audience *with* the Emperor. And, furthermore, the United States hitherto has not acknowledged allegiance; and finally, they absolutely insist upon equality. The expressions and sentiments of the letter, to be sure, are not very haughty and proud, neither do they manifest servility and crouching. "Yay Lang thinks *herself* important," (may be applied to them,) and it is useless to argue *with them*; and how can we receive them the same at the foreign dependencies, if these different nations give rise to the germs of other

evils? Also it is inexpedient to show them special civilities, giving rise to hopes of further advantages. We have only to exhort them respectfully to adhere to the treaty, and, as of old, to carry on free trade, going and coming for commercial purposes, in order to mutual peace and amity. It is unnecessary by a long route to come to Pekin, seeing it will thus be practicable to save the trouble of horses and carriages, and also to avoid long delay. But this state of the case your slave did not divulge to him beforehand, in order to show that the affairs of our dynasty, of every kind, all proceed from the imperial control, which alone decides them, and that the ministers under your Majesty cannot usurp authority. Therefore, at the time of receiving the barbarian letter, I just replied I would immediately memorialize the throne in his behalf, and ordered him to return to Shanghai and quietly await further intelligence, and did not bring up in conversation the contents of this sealed memorial.

I now take the national letter which the chieftain brought, and the translation thereof into Chinese, and reverently send them up for the imperial inspection.

As to whether it be right or not to grant a letter in reply, and if so, what expressions shall be adopted, I respectfully wait the imperial mind to determine. Your slave, stupid and dull of apprehension, whether right or wrong in what he has done, as behooves him, reverently makes up this despatch, and duly memorializes your Majesty, and, prostrate, begs the holy glance of your Imperial Majesty, and waits for his instructions to be made known.

Your slave, upon the 5th of July, commenced his journey from the district of Kwan-Shan, and upon the 7th July returned to Chang Chow, which, as in duty bound, he clearly represents. A respectful memorial to the throne.

P. S.—It is reported the imperial will has been received, instructing Eleang to manage the business properly, (i. e., to do what is necessary or expedient as to returning an answer to the President's letter.)

A careful and faithful translation.

PETER PARKER.

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The complainants of Sze-ma and other towns in the district of Tang Kwan hereby set forth: The oppressions we endure are inexpressible; the good and evil are not distinguished. Weeping, we present our complaint to imperial Heaven, and look up to it condescendingly to look down upon and save us. Inasmuch as we of the village of Sze-ma had among us one Yun-teen-par, belonging to a rebel clan, who deluded the stupid people, collecting their money and assembling them together, our gentry and elders reported him to the district magistrate, who sent police to arrest him; but the rebel hearing of this movement absconded, and we could only take his brother Yan-chang-par and bind him, and under restraint deliver him up to the magistrate, whereupon the said rebel, (Yun-teen-par) from a spirit of revenge, called several

hundred and more of the bandits, and strongly oppressing the gentry and elders, coerced them to deliver up his brother; and upon the 9th October a great number of troops, numerous as the clouds, assembled, and the rebel again called his companions, and at the Tsoon Tow market resisted the government troops, when the gentry and elders immediately called the brave men of the village and agreed with the troops to surround and take them, causing the rebels upon the night of the 11th October to flee and retire; and on the 14th October each of the great high officers led forth their troops to this village, when the gentry and elders, in person, went forth to receive them, and volunteered within the period of three days to deliver up Yun-teen pan, and we were obliged by this period being granted; but, contrary to our anticipations, on the 15th, when that time was not yet up, the soldiers returned and very violently surrounded and closed in our village and burnt it to ashes, and inflicted upon us a tiger's cruelty. The troops from Chan-chow would yield to no restraint; all were bent upon plunder and putting to death the good and the evil without distinction Ah! pitiable was the fate of the men and women of the whole village, of whom in one and the same day more than two hundred and thirty persons met with calamity. They have to complain of barbarities that reach to Heaven, and their cries and lamentations shake the ground. We did not reflect that Yun-teen-pan and his cabal were left still undispersed, but concealed on the mountain-top, whence, beholding the troops returning from devastating this village, they might embrace the opportunity to pursue and put them to death; but the gentry and elders discovering this, fearing they might wound the officers and troops, called the villagers together and went forth to their rescue, but without success. Alas! alas! that in arresting the rebels, their high authorities should not have rewarded the gentry by preserving their lives, and that the rebels wounding the government troops should result in an endless chain of calamities to us. The oppressions we endure are unutterable. We wish to enter our complaint, but there is no door, (i. e., there is no court that will receive the complaint and redress the grievance. We therefore earnestly beg imperial Heaven to condescend to look down upon us and grant the saving of our lives. Weeping and wailing we state our grievances.

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From the Pekin Gazette, August 21, 1853.

Memorial of the Minister Chin Chemei.—Postscript.

On a former occasion I received a communication from the board (of war) instructing me to make a clear investigation of the number of troops, the commissariat and armies in different quarters, and to make out a distinct and separate account of each. I now memorialize with the hope of receiving forced examination of the subject.

I have examined, and, according to the accounts received, find as follows:

Heang Yang's army comprises of regular troops and volunteers 17,800 men, and there has been disbursed for their expenses 2,030,000

and more taels; and, not yet reported, there are expended for travelling expenses, 1,700,000 and more taels.

The army under Ke Shew and Chin Kin Shew consists of 17,000 troops and upwards, and there has been disbursed for travelling expenses 1,260,000 taels, exclusive of another grant of 300,000 taels.

Wei Ching's army, including the transport officers upon the grand canal, regular troops and volunteers, altogether 11,000, and first and last, in these instances, including what Yangteen Pang (lieutenant governor at Nankin in March) memorialized the Emperor to have detained, (at Nankin,) there has been expended 7,081,000 taels.

After I came into the office of commissary, I addressed a despatch, requiring investigations to be made as to the estimated public defences of Wing Keang, and learned that there had been expended 160,000 taels; and, furthermore, that Shantung had sent to Loo-chow (the northeast department of Keongfoo) 100,000 taels; and on a former occasion your minister transports on the Grand canal. Yang-teen Pang memorialized to have retained 381,000 taels, a large portion of which was to be for the use of the volunteer corps, all of which is now nearly expended. Again, whether on losing possession of Yang-chow there was a balance or deficit of what the said place had decided to be right to employ for the public interest, has not yet been reported to me; and at Hwang Yang, during this month. there has been constant moving of troops, the number of which is constantly increasing. The Kelin troops are estimated at 2,000, Shing King 4,000, and the Gi-ho 1,000; and the troops stationed at Suy-yuen and Kwei Hwa to guard those cities are 4,000 strong. Ning Hea 500; Mih Yuen 1,000. The Tsing-chow (in Shantung) removed from Honan to Keang Nan 1,000, Seum Hwa 500, and of the Shantung troops that had returns, Yang-E-Tsang, minister in charge of the Yellow river, had appointed 1,300 to this place. Of the troops that came to Loo-chow to seize and exterminate the rebels, were 1,000. Besides that originally sent to Shanse to guard the place, together with Sze-gan cavalry, there are also those not reckoned whom it was memorialized to detain at Wan, (Nankin,) truly an aggregate of more than 18,000 men; and add to these the troops and volunteers originally brought by the minister of the Yellow river and Grand canal, 6,000, which make an aggregate of 24,000 and upwards; compared with these two armies of Heang Yang and Keshan, are one-third larger. Moreover, to the courageous troops of the three eastern provinces, and the very important guards resident in different places, the law gives grain, salt, vegetables, horses, and dried provisions, more than twice as much as it allows to the standing army; and of the duties already received there remains only 600,000 taels; and no matter how economical we are, truly this will not suffice; and as to the state of the rebels at Yang-chow, it is to be considered that they are already reduced to the utmost extremities, and may designate the day when we shall be able to retake the city, and then we can separate and return home shouting the notes of victory. But at Nankin it is still more necessary to join forces to exterminate the insurgents, and in the province of Keang Nan there still remain rebels not entirely routed, and from the neighborhood of Keang-pih it will also be difficult to immediately withdraw the guards; and if we wait till the time arrives

again to memorialize, thus, the daily rations of the regular troops and volunteers not being supplied, forced by hunger, they may shift to some other course, (i. e. turn rebels.)

That the treasury is in a very low state, your minister thoroughly understood when at Pekin; but how dare he constantly to be communicating to your Majesty, who has neither time to put off his robes at night nor to eat? But I must add, that I think that for the 8,000 troops originally sent to Shantung, there remains 500,000 (taels?) The troops that guarded Shantung have all removed to the province of Keang Nan, and, consequently, Shantung province ought to supply them. There are only 2,000 Shanse troops, about one-fourth of those originally sent; and of the remaining duties there must manifestly be a large balance. On a former occasion the said province (Shantung) borrowed to make up the sum of 300,000 taels, and it is right the board (of revenue?) should furnish from the imperial household treasury 600,000, less the amount borrowed. Exclusive of 100,000 taels which were changed and expended for necessary labor on the south bank of the Yellow river, there remains 200,000 taels, which have been carried to the credit of the province of Shantung; and, right or wrong, I earnestly beg the heavenly favor of your Imperial Majesty to grant this may still be disbursed by the commissary of Keang Nan for necessary expenses.

Again: in the despatch of the board, it is contained that hereafter all the revenues from time to time collected by the superintendent of Keang Nan ("Samkwa" at Shanghai) be carried to Senchow, to be transferred to the commissary of the two places (occupied by Heang Yang and Keshew) for disbursement. I have examined, and find that the custom-houses of Keang Nan are far away at Loo-chow, Sang-chow, and separated by river communications from the city of Loo-chow more than a thousand lee, (330 odd miles,) and that the large army of Heang Yang is near to Nankin, and he has received the large sum of more than 1,700,000 taels. If practicable, there should be an accommodation in this matter. In the disbursements of the province near Senchow there are certainly some items that may be pointed out in which it can be done; that is, arrangements may be made for changing 200,000 or 300,000 taels to be disbursed at Senchow, and thus, from the custom-houses of Keang Nan, which are near, the equivalent may be taken to the army of Heang Yang. This change will be an accommodation to both Lenchow and Keang Nan; and, besides avoiding delay by a circuitous route, it will truly be of great advantage to the necessities of the army. As to the Kesin and Heh Leang Keang officers and soldiers, they are mounted men; and on a former occasion I received a despatch from the board of war that it had appropriated fifty horses, which had been contributed by Châ-hà-neh, but up to this day they have not arrived. The Ke-sin troops have successively arrived in the south, and inasmuch as the province of Keang Nan does not raise horses, we have no means of procuring them. I have addressed the board of war, requesting them to be sent, with all despatch, to the army at Yang-chow, to supply the urgent demand.

Everything relating to the army at Yang-chow and Hwae-yan, its census, the amount of moneys, arrangements for making an accommodation as to the disbursements to be made ready, the urgency for horses,

and all the circumstances thereof, I have thus duly prepared and appended to my memorial, which is duly reported, and, prostrate, I beg the sacred instructions thereof and instructions thereon.

Again: as to the entire commissariat, and everything expended for the army, I have made thorough investigations, and find that the three provinces of Kwangsee, Honan, and Keangse, have, on a former occasion, memorialized and received the imperial sanction to their regulations, and blend with this the precedents on the seaboard of Keangfoo, and, with slight modifications of them, let the disbursements be made; and if there be anything that really requires further modifications, let them, (Heang Yang and Keshew,) as is proper at the time, conjointly manage it. As is right, this I also clearly state. A respectful memorial.

The imperial will has been received, and the memorial recorded.

A faithful translation. PETER PARKER.

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Account of expenditure of means from fund for contingent expenses.

Paid John Miller's accounts from 1st of April, 1853, to 1st of October, 1853 (see his receipts as vouchers)	£7 5 3 11 5 10	£18 11 1
Paid accounts for expenditures for postage, &c., as rendered by P. Parker, esq., secretary of legation, to date		$115 44
Paid account for stationery at Shanghai, to H. Fogg & Co.	$16 50	
To Asung, (Chinaman,) for ruling paper and envelopes	4 00	
To Gesing, (Chinaman,) for binding volume of archives	1 75	
		22 25
Paid $119, (Spanish dollars,) at Shanghai, for passage on "Lady Mary Wood" to Hong Kong, for which Mr. Marshall paid 6*s.* 8*d.* to the dollar exchange, he drawing on London for the same in his general account. Assuming 20 per cent. as exchange against Shanghai from Canton, leaves 30 per cent. to make the amount here, at present, when drawn, at 5*s.* 1*d.* (see ticket for passage accompanying this account)		142 80
Paid for passage money, from Hong Kong, by Macao, to Canton, and back to Macao, on public business, and returning to my residence (see ticket receipted)		21 00
Total		301 49

In Mr. Miller's drafts is £2 6*s.* 6*d.*, for which I drew, which should be charged to my private account for magazines sent me—at 4.84	$11 35
Balance due me	290 14
To satisfy this balance, and to realize the money here to pay above account, I have sold on Baring Brothers & Co., at London, draft for £73 15*s.* 1*d.*, at 5*s.* 1*d.*	$290 14

HUMPHREY MARSHALL.

33d Congress, 1st Session. [HO. OF REPS.] Ex. Doc. No. 124.

BRAZOS RIVER, TEXAS, AND SURVEYS OF SAVANNAH RIVER, GEORGIA, AND GEORGETOWN HARBOR, SOUTH CAROLINA.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

Reports on Surveys of Georgetown harbor, South Carolina; Savannah river, Georgia; and Brazos river, Texas.

July 28, 1854.—Laid on the table, and ordered to be printed.

War Department,
Washington, July 27, 1854.

Sir: I have the honor to transmit, herewith, a report of the Colonel of Engineers, submitting a report and estimate on the improvement of the Brazos river, Texas, and reports on surveys of Georgetown harbor, South Carolina, and of the Savannah river from Savannah up to Augusta.

These surveys have been made in conformity to the act of August 30, 1852, and the reports received since the last annual report of this department was sent to Congress.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Hon. Linn Boyd,
Speaker of the House of Representatives.

Savannah, Georgia,
June 23, 1854.

Sir: In compliance with instructions contained in your letter of the 29th of September, 1852, I have now the honor to report "a survey of the river Savannah from the city of Savannah as high as the city of Augusta," and to forward the maps necessary to a proper indication of the shoals, bars, and other obstructions to the navigation, together with an approximate estimate of the cost of improving the channel.

General remarks.—The Savannah river has its source in the northeastern part of the State of Georgia, in a mountainous region, and its general course is southward inclining to the east; but the channel is a winding one, making its entire length about 450 miles, whereas the direct distance is only about 250 miles. The Savannah and its tributaries drain an extent of country equal to about 8,200 square miles. The portion above the city of Augusta is not navigable for steamboats, although a considerable amount of produce is brought down to that city in long-boats of a peculiar construction, and suitable for passing the rapids which occur at different points. South of Augusta the river is navigable for steamboats drawing from five to six feet water, except during the low stages of the river in the after part of the summer and fall. Then the numerous sand-banks, met with at various points, have not more than three to three and a half feet of water over them. These shoals occur most generally in places where the river has an unusual width.

The river above the city of Savannah is subject to freshets, which often overflow its banks, doing much injury to the bordering plantations of corn, cotton, and rice. As the adjacent forest lands are low, many trees and logs are torn from their positions and floated down stream, forming rafts, that lodge against the banks and on the shoals when the waters subside. These freshets, at times, raise the river opposite Augusta as much as *thirty-seven feet* above the lowest summer level, and a rise of from fifteen to twenty feet frequently occurs.

The part of the river embraced by the survey extends from the city of Augusta to Savannah, but the most serious obstructions to the navigation were found to be in the portion nearest the former city. One of the most defective parts of the channel, however, is near Herseman's lake, which is about one hundred and four miles below Augusta. The entire length of river surveyed was two hundred and forty-three miles. In conducting the field-work, my most careful attention was given to detailed examinations of the worst shoals; all of which are well known to the older pilots, and were pointed out to me by them. Intermediate sections were surveyed by taking simply the courses, and approximately the distances, sounding the channels, and sketching in at the same time the form and peculiarities of the banks. A part of the adjacent country, for twenty-five miles below Augusta, was found to be hilly. Below this all was bottom land, excepting now and then a bluff extending for a short distance up and down the river. These bottom lands are generally well timbered with ash, cypress, cotton-wood, and other trees, and along the higher banks with different varieties of the oak and pine.

The part of the country back from the river, and indicated on the general map herewith, was compiled from the best authorities that could be obtained. The currents of the river vary much at different points. Along the more contracted parts of the water-way the velocity is sometimes as much as three miles per hour, and in the same sections the channel is invariably deep; but in other places an increased width reduces the flow to a velocity of not more than a half to three-fourths of a mile per hour, and it is in these localities the obstructing

sand-banks are formed. The floating rafts of logs and trees most generally lodge in the bights, obstructing often the deepest part of the channel.

Names, positions, and descriptions of the most important obstructions, in the order they occur, descending from Augusta, and the works proposed for their improvement, with approximate estimates of their cost.

1st. *Gardner's bar*, opposite the lower part of the city of Augusta. This bar is composed of coarse sand, mixed with some muddy clay, and has not more than 2½ to 3 feet water over it when the river falls to the low summer level. As the river is wide at this bar and above, the best mode of deepening it will be to deflect the currents, so as to confine the greater volume of water to the centre, and thus scour out a deeper but narrower channel. To accomplish this, I would propose to construct a jettee, about 300 feet long, just below the bridge, marked F, (see map, sheet No. 3;) and then, to protect the opposite shore, rebuild the old jettee at the point marked G. The waters thus guided would scour a deeper channel along the southern edge of the bar. I estimate the approximate cost of building these two works to be $5,000.

2d. *Course's bar*, one and a quarter mile below the Augusta bridge, is composed principally of sand, and has not more than three feet water when the river is low. I will state here that all the soundings marked on the charts refer to the ordinary summer level of the river. This bar can be improved by the construction of a jettee, marked H, (sheet No. 3,) which would throw an increased volume of water directly across it. It may be necessary to dredge to some extent along the portion of the shoal colored with a neutral tint, as also on a small bank projecting from the southern shore of the river at a point a short distance above. The dredging over the bar would encourage the flow in the best direction, and the jettee would probably insure permanence. The approximate cost of improving this bar is estimated at $2,500.

3d. *Blue House bar*, seven and a half miles below the bridge, is also of sand, with a depth over it of two and a half to three feet. For the improvement here I would propose the construction of a jettee at the point A, (sheet No. 1,) and dredge to some extent along the left bank below, so as to keep the best water on that side of the river.

Estimated cost of jettee, $2,200.

4th. *Canoe Cut bar*, nine and a half miles below the bridge, is of the same character as those already described, (in fact, all the bars in the river are principally composed of sand,) and the depth of water is about three feet. For its improvement I propose the construction of two jettees at the positions C and D, (sheet No. 1,) and to aid the scouring action thus concentrated by dredging, if found necessary.

Estimated cost of the two jettees, $2,500.

5th. *Rifle Cut bar, Bugg's bar, and Alder Patch bar*, about eleven miles below Augusta, occur in a wide part of the river, and can only be improved by giving a better direction to the flow of the water, so as to give greater concentration over them. For accomplishing this, I propose the construction of a pile and wattle-work, E, so as to straighten

the right bank, and a jettee at F, to deflect the water in greater volume to the left bank below.

Estimated cost of these works, $2,500.

6th. *Twiggs's Upper and Lower bars*, about sixteen and a half miles below Augusta, have from three to three and a half feet water. For their improvement I propose to construct three jettees, *one* for the upper at G, and *two* for the lower bar at H and J. (See sheet No. 1.)

Estimated cost of the three jettees, $3,000.

7th. *Ten-mile bar*, about twenty-three miles from Augusta, by way of the river, may be much improved by removing many logs that have lodged in the bight.

8th. *Upper and Lower Silver-bluff bars*, about twenty-nine miles below Augusta, have sufficient water along their margins if the numerous logs now obstructing the deeper portion of the channel were removed.

9th. *Buzzard's bar*, about thirty-six and a half miles below Augusta, has sufficient depth of water, but many obstructing logs should be removed. (For depth of water over this bar, see sheet No. 1.)

10th. *Demere's Ferry bar*, forty-four and a half miles below Augusta, (see sheet No. 2,) can be deepened by constructing a jettee at D, throwing more water over the bar below.

Estimated cost of jettee, $2,000.

11th. *Hayne's cut*, forty-eight miles below the Augusta bridge, has become the best channel, and is used exclusively when the river is low, and may be improved by cutting away the point of the bank at E. (See sheet No. 2.)

Estimated cost of cutting away point E, $2,500.

12th. *Flowery gap*, fifty-two miles from Augusta, is a point much obstructed by logs and brush-wood, which should be removed.

13th. *Brigham's Landing bar*, sixty-eight miles from Augusta, will require the construction of two jettees, confining the flow to a channel of less width, (see sheet No. 2,) at the points A and B.

Estimated cost of the two jettees, $3,000.

14th. *Prescott's Reach bars*, about eighty-six miles below Augusta, can be improved by removing logs from the upper, and constructing jettee C at the lower. (See sheet No. 2.)

Estimated cost of jettee, $2,000.

15th. *Burton's Ferry bar*, one hundred and one miles below Augusta, can be much improved by the removal of an old sunken steamboat, and the use of the dredge to some extent.

Estimated cost of removing wreck, $1,000.

16th. *King's creek and Herseman's lake*, one hundred and two and one hundred and four miles from Augusta, form the most deflective portion of the Savannah river. King's creek is deep, and flows with a rapid current, drawing off a large volume of water from the old channel. But the creek is so much obstructed with logs, and so crooked, that it is not navigable in its present condition. At the same time, so much water flows through it that the river proper is made shoal by the accumulation of bars, which obstruct the navigation entirely during the lower stages of the river, except for boats of the smallest draught. The improvement I would propose for this part of the river is to excavate the canals A, B, and C, (sheet No. 3,) giving them a width of one hun-

dred and fifty feet; and to guide the flow of the water, works at D and E may be necessary.

In conducting this improvement, the canals A and B should be excavated first, and if the increased flow over *Herseman's bar* should deepen it, which is probable, the canal C and work D would be dispensed with.

Estimated cost of these works, $15,000.

17th. *Sisters' Ferry bars*, one hundred and eighty-five miles below Augusta, do not offer any serious impediment to the navigation. They could be improved by short jettees, or perhaps by dredging.

Logs, trees, and brush-wood are found at many points of the river, and great improvements may be effected in almost all cases by their removal.

For building the many jettees required, I would use the timber so abundant along the banks of the river; in some instances making *cribs* and *sinking* them with stone, when it can be had at moderate cost; in other localities, sinking them with wooden boxes filled with sand. In other instances, where the bottom may have sufficient tenacity to hold piling, it will be best, probably, to drive two parallel rows at intervals, and filling between with fascines made from the brush-wood of the adjacent forest, loaded down with stone. Again, *wattle-works* may be used with advantage.

In all cases it will be necessary to raise the top of the jettees only to the level of summer river, or at most only a few inches above. Shore-marks should be established, so as to point out their positions during freshets.

For removing the logs and fallen trees a boat of small draught will be required, with machinery for cutting; and the same motive-power used for this machinery can be applied in dredging.

Such a boat, with machinery, will cost, say	$20,000
To work the boat for one year, will cost, for one captain, one assistant, and six men	3,000
For fuel, 720 cords, at $3	2,160
For subsistence for eight men	600
Cost of jettees and other works	28,700
Cost of cutting canals	14,500
Contingencies and unforeseen expenses	1,040
Making the approximate estimate for improving the Savannah river from the city of Savannah to Augusta	70,000

The maps sent herewith are as follows, viz:

1. General map of the Savannah river from Augusta to Herseman's lake; scale $\frac{1}{48000}$.

2. *Three sheets*, giving maps of the bars and shoals, numbered 1, 2, and 3; scale $\frac{1}{48000}$.

Which is respectfully submitted.

J. F. GILMER,
Captain of Engineers.

General J. G. TOTTEN,
Chief Engineer, Washington city.

FORT JOHNSON, CHARLESTON HARBOR, S. C.,
June 10, 1854.

SIR: I have the honor to send, herewith, a chart of Georgetown harbor, exhibiting the result of the survey made in fulfilment of the appropriation law approved August 30, 1852. The chart is on two sheets.

It will be seen, by reference to the sheet giving the soundings at the mouth of the river and over the bar, that there are *four* channels of entrance, viz: The main Ship channel; the Southest Pass; the New channel, and the Point channel. The first three-named channels have about *seven feet* at low water, and as the rise of the tide is about *four feet and a half*, the draught that can be carried in at high water is *eleven and a half feet*. The Point channel is constantly changing, and cannot be relied on for commercial purposes.

The main Ship channel has changed in position within a few years, having moved to the south and west. It formerly passed along the dotted line shown on the chart, crossing over what is now nearly the centre of the "Great Dry breaker," part of which is dry at low water. About a year previous to the survey, according to the evidence of all the pilots, this channel, from the northwest buoy to the northeast one, was straight, or nearly so; it is now quite crooked, the "*Raft Tree shoal*" having extended much to the southeast, while the Great Dry breaker has been making to the northwest.

The Southeast Pass is more direct, and as the depth of water is about the same as in the main channel, a large proportion of the vessels resorting to the harbor use this entrance.

The New channel furnishes the shortest passage to the deep water of the ocean, and is thought to be improving in depth. This tendency of the New channel to deepen could be aided by the construction of a jettee extending out at right angles to the eastern shore-line of *North island*, from a point near the southern end of the island. Such a work, however, would have to be of great length, and could only be built at a heavy outlay. The jettee would catch the sand that is now constantly thrown into the New channel by the action of the flood tide; it would, at the same time, confine a greater volume of the ebb to the channel, thus tending, for a two-fold reason, to give it greater depth.

For the proper positions and number of *buoys* needed for marking out the different channels, I will refer the department to Lieutenant J. N. Maffitt's report to the Light-house board.

After passing above the light-house and North island, the channel divides—one is called the *West channel*, the other the *Marsh channel*. The latter is not much used, for the want of buoys to mark it out with precision; the former keeps near the shore, and is more easy of navigation.

Which is respectfully submitted.

J. F. GILMER,
Captain of Engineers.

General J. G. TOTTEN,
Chief Engineer, Washington city.

INDIANOLA, *April* 1, 1854.

SIR: I have the honor to submit the following report of the survey of Brazos river:

The low-water navigation of the Brazos river extends as far up the river as Washington—400 miles by water from the mouth.

Ninety miles below Washington is found one of the serious obstacles to low-water navigation, viz: Shoals of a species of soft transition sandstone; Cooper's shoal 56 miles below this; 59 miles below this, Randen's; and 25 miles below this one, Thompson's shoal, all of the same character—ledges of soft rock crossing the river and extending down its bed, requiring about two feet excavation through them to give depth sufficient for the low-water boats.

The snags to be removed as far down as Thompson's are trifling—not more than two months' work with the snag-boat would be required. Below Thompson's, there are two places requiring heavy snagging, but for short distances only. Tide-water extends 60 miles up the river, making the mouth more an arm of the sea than a river. For improvement of the bar at the mouth, I see no other way than that adopted by the Towboat Association at the mouth of the Mississippi.

Estimate of improvement.

Snag-boat and apparatus	$12,000
Six months' employment, snagging, $1,500 per month	9,000
Making channel through 1st shoals	5,000
Making channel through Cooper's	4,000
Making channel through Randen's	6,000
Making channel through Thompson's	3,000
Contingencies	5,000
	44,000

Respectfully submitted.

W. H. STEVENS,
Lieutenant U. S. Engineers.

Brig. Gen. J. G. TOTTEN,
Chief Engineer, Washington city, D. C.

33d Congress, 1st Session. [HO. OF REPS.] Ex. Doc. No. 126.

SAN JUAN DE NICARAGUA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Reports in reference to the destruction of San Juan de Nicaragua.

July 31, 1854.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 28th instant, requesting information in regard to the destruction of San Juan de Nicaragua, I transmit reports from the Secretaries of State and of the Navy, with the documents accompanying them.

FRANKLIN PIERCE.

Washington, *July* 31, 1854.

Navy Department, *July* 29, 1854.

Sir: In compliance with the resolution of the Senate of the United States, dated 28th inst., I have the honor to transmit, herewith, copies of all orders or instructions issued to Commander Hollins, in command of the United States sloop-of-war Cyane, and all the information in this department touching his recent action at San Juan.

I am, sir, with great respect, your obedient servant,

J. C. DOBBIN.

The President.

NAVY DEPARTMENT, *June* 10, 1854.

SIR: The government has recently received intelligence that the interests of our countrymen require the presence of a national vessel at San Juan or Greytown, and from your experience in that region, and confidence in your energy and prudence, and in pursuance of the wishes of the President, the department has concluded to direct that you proceed with the Cyane to that port so soon as she can be fully ready for the cruise.

The property of the American citizens interested in the Accessory Transit Company, it is said, has been unlawfully detained by persons residing in Greytown. Apprehension is felt that further outrages will be committed. Our minister, Mr. Borland, has been treated with rudeness and disrespect.

You will, however, learn from Mr. Fabens, commercial agent at Greytown, more particularly the conduct of those people, and the views of our government, which have been communicated to him from the State Department. You will consult with him freely, and ascertain the true state of the facts. Now, it is very desirable that these people should be taught that the United States will not tolerate these outrages, and that they have the power and the determination to check them. It is, however, very much to be hoped that you can effect the purposes of your visit without a resort to violence and destruction of property and loss of life. The presence of your vessel will, no doubt, work much good. The department reposes much in your prudence and good sense.

Former despatches have acquainted you with the peculiar political position of this town, and of the relations of our government to it. You will remain there no longer than you may deem necessary, as it is a warm and unhealthy climate. You will advise the department of your movements, and after leaving Greytown you will touch at Pensacola, and receive orders from Commodore Newton there, if not earlier, as you will constitute a part of his squadron.

I am, respectfully, your obedient servant,

J. C DOBBIN.

Commander GEORGE N. HOLLINS,
Commanding U. S. ship Cyane, New York.

NAVY DEPARTMENT, *June* 12, 1854.

SIR: Enclosed herewith you will receive a copy of a communication from the Department of State to Joseph W. Fabens, esq., United States commercial agent at San Juan del Norte, dated 9th of June, 1854.

Very respectfully, your obedient servant,

J. C. DOBBIN.

Commander GEORGE N. HOLLINS,
Commanding U. S. ship Cyane, New York.

U. S. SHIP CYANE, (*at anchor,*)
Harbor of San Juan del Norte, July 15, 1854.

SIR: Herewith I have the honor to submit for your consideration copies of several communications that have accrued during my stay in this port, as marked in the accompanying schedule:

A.—A communication bearing date July 11, addressed to Joseph W. Fabens, esq., commercial agent of the United States.

B.—His reply thereto, dated July 12, 1854, with two communications enclosed, one marked A 2, bearing date June 24, 1854, the other marked B 2, dated July 11, 1854, setting forth the demands of the government of the United States against the town of San Juan del Norte.

C.—A communication bearing date July 12, 1854, addressed to Mr. Fabens, acknowledging the receipt of the preceding, enclosing a proclamation (marked D 2) to the inhabitants of San Juan, and offering him assistance to remove the archives of his office, &c.

D.—A communication bearing date Greytown, Mosquito, 12th of July, 1854, from Commander Jolley, of her Britannic Majesty's schooner "Bermuda."

E.—A reply, of the same date, to the preceding.

F.—A communication from Mr. Fabens, dated July —, 1854, asking a conveyance of his official and personal effects to the United States.

G.—A reply thereto, of the same date, acceding to his request.

H.—A communication to the Navy Department, containing a general statement of proceedings, &c.

I have the honor to be, sir, very respectfully, &c., your most obedient servant,

GEO. N. HOLLINS, *Commander.*

Hon. J. C. DOBBIN,
Secretary of the Navy, Washington, D. C.

A.

U. S. SHIP CYANE,
Harbor of San Juan del Norte, July 11, 1854.

SIR: I am directed by the Hon. J. C. Dobbin, Secretary of the Navy, by an order bearing date June 10, 1854, to communicate with you in reference to the action taken by the people of San Juan del Norte upon certain demands made upon them by the government of the United States for outrages committed on the property of the Accessory Transit Company and the person of Mr. Borland, our minister to Central America.

Be pleased to inform me if the result of the demand has been of such a character as to accord with the purport of your instructions.

I have the honor to be, sir, very respectfully, your most obedient servant,

GEO. N. HOLLINS, *Commander.*

JOSEPH W. FABENS, Esq.,
U. S. Commercial Agent, San Juan del Norte.

B.

U. S. COMMERCIAL AGENCY, SAN JUAN DEL NORTE,
July 12, 1854.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday. In reply, I have to observe that, in accordance with instructions from the Department of State at Washington, bearing date June 3, 1854, I notified the people of San Juan del Norte that the United States government would demand of them payment for the property feloniously taken by and with their countenance and consent from the Accessory Transit Company, and all damages suffered and to be suffered by the said company in consequence thereof. I further renewed the demand already made by the said company for outrages committed upon their property in March, 1853. To this notice and demand (copy of which I herewith annex, marked A 2) no official reply has been given. But I have incidentally learned that the people of the town have fully decided not to accede to any demands of the Transit Company or government of the United States, as reparation for wrongs by them committed. A second demand for satisfaction was made yesterday evening, (copy herewith annexed, marked B 2,) which is now in the hands of the people. I learn from the late acting mayor that the demand for redress therein made will not be complied with.

As regards the insult offered to Mr. Borland, our minister to Central America, I have to inform you, that so far from any apology having been offered by the town or its authorities, or any steps having been taken to bring the perpetrators thereof to justice, the chief actors and instigators are now in undisputed possession of the town, its arms and ammunition, and they, the people of the town, are thus virtually countenancing and approving the indignity to the present moment.

I am, sir, very respectfully, your obedient servant,

JOSEPH W. FABENS.

GEO. N. HOLLINS,
Commander of U. S. ship Cyane, now in harbor of San Juan.

A 2.

COMMERCIAL AGENCY, UNITED STATES OF AMERICA,
San Juan del Norte, Nicaragua, June 24, 1854.

To those now or lately pretending to and exercising authority in San Juan del Norte:

GENTLEMEN: I am instructed by the government of the United States at Washington to notify you that the said government will require of the pretended authorities of the town of San Juan del Norte restoration of or payment for the property brought within the territories over which they assume to exercise authority," as set forth in protest of Mr. Scott, general agent of the Accessory Transit Company, dated May 12, 1854, "and all damages sustained by their outrageous conduct in preventing the said company from repossessing itself of it."

I do therefore hereby demand of you immediate restoration of the aforesaid property. I am not prepared to put an estimate upon it at this moment, or to name the amount of damages suffered by the Transit Company in consequence of your outrageous conduct towards their agent and employés while endeavoring to retake possession of the same, and upon subsequent occasions connected therewith. It is expected that for this, as well as for their conduct in other respects towards American citizens, the people of the town will be prepared to afford redress in a satisfactory manner. There is likewise an outstanding claim of the Accessory Transit Company *versus* the acting authorities of San Juan del Norte for the sum of $8,000 dollars, as a remuneration for the loss sustained by the company in consequence of the destruction of their building on Point Arenas, in the month of March, 1853, by the said acting authorities, which claim was duly presented by Abraham Banker, agent of said company, on the 25th of June, 1853.

I am, gentlemen, your obedient servant,

JOSEPH W. FABENS,
United States Commercial Agent.

B 2.

COMMERCIAL AGENCY, UNITED STATES OF AMERICA,
San Juan del Norte, Nicaragua, July 11, 1854.

To those now or lately pretending to and exercising authority in, and to the people of, San Juan del Norte:

GENTLEMEN: On the 24th ultimo, in accordance with the instructions of the government of the United States of America, I notified you that the said government would require of you immediate reparation for the property belonging to the Accessory Transit Company, which was stolen from the said company and received by you, as specified in my letter of that date, as well as for all damages suffered by their agents and employés while endeavoring to repossess themselves of the same. I have now, acting in concert with Commander Hollins, of the United States ship Cyane, at present in this harbor, to demand of you immediate payment of the sum of sixteen thousand dollars, which has been adjudged to be the proper sum for you to pay for the said property and the gross outrages perpetrated by you upon the persons of American citizens, as set forth in protests of Mr. Scott of the 12th May last, copies of which have already been served upon you.

There is likewise a claim of the Accessory Transit Company *versus* the acting authorities of San Juan del Norte for the sum of eight thousand dollars, as specified in my letter to you of the 24th ultimo. This you will be likewise expected to pay forthwith.

For the indignity offered to the United States of America in the conduct of the authorities and people of this town towards their minister, Mr. *Borland*, while recently in this place, nothing short of an apology,

promptly made, and satisfactory assurances given to Commander Hollins of future good behavior on the part of the said authorities and people towards the United States and her public functionaries, who may in future be here, will save the place from the infliction which its late acts justly merit.

Your obedient servant,

JOSEPH W. FABENS,
United States Commercial Agent.

C.

UNITED STATES SHIP CYANE,
Harbor of San Juan del Norte, July 12, 1854.

SIR: I have the honor to acknowledge the receipt of your communication of this date, in reference to the unsuccessful result of the demands of the government of the United States upon the town of San Juan del Norte.

It is with deep regret I find myself compelled, in obedience to my orders, to make use of the force at my command for the purpose of enforcing the demand of our government, and obtaining that reparation so justly due for the outrages committed.

Enclosed I have prepared a proclamation, setting forth my determination, and the course I shall pursue, which will be posted in the public places of the town as you may designate as proper.

Any assistance you may require for the purpose of removing the archives of the commercial agency, &c., will be furnished at your request.

I have the honor to be, sir, very respectfully, your obedient servant,

GEO. N. HOLLINS,
Commander.

JOSEPH W. FABENS, esq.,
United States Commercial Agent, San Juan.

D.

PROCLAMATION.

To all men to whom these presents shall come, or to whom they may concern, greeting:

Know ye, that whereas certain gross outrages have, at sundry times, been perpetrated by the "authorities" (so called) and people of San Juan del Norte upon the persons and property of American citizens at that place and vicinity, and whereas a serious insult and indignity has been offered to the United States in the conduct of the said authorities and people towards Mr. Borland, United States minister to Central

America, for which outrage and insult no indemnity has been given, and no satisfactory reply returned to demands already made:

Now, therefore, I, George N. Hollins, commander of the United States ship of war Cyane, by virtue of my instructions from the United States government at Washington, do hereby solemnly proclaim and declare, that if the demands for satisfaction in the matters above named, specified in the letter of Mr. Fabens, United States commercial agent, dated 11th instant, are not forthwith complied with, I shall, at 9 o'clock a. m., of to-morrow, 13th instant, proceed to bombard the town of San Juan del Norte aforesaid, to the end that the rights of our country and citizens may be vindicated, and as a guarantee for future protection.

GEORGE N. HOLLINS, *Commander.*

U. S. SHIP "CYANE,"
Harbor of San Juan del Norte, Nicaragua, 9 a. m., July 12, 1854.

D 2.

HER MAJESTY'S SCHOONER BERMUDA,
Greytown, Mosquito, July 12, 1854.

SIR: After due deliberation upon the communication which I this morning had the honor to receive from you alongside her Majesty's schooner under my command, I consider it my duty to enter my most solemn protest against the course you then intimated to me that you intended to pursue towards the city of Greytown.

The inhabitants of this city, as well as the houses and property, are entirely defenceless and quite at your mercy. I do therefore notify you, that such an act will be without precedent among civilized nations; and I beg to call your attention to the fact that a large amount of property of British subjects, as well as others, which it is my duty to protect, will be destroyed; but the force under my command is so totally inadequate for this protection against the Cyane, I can only enter this my protest.

I have the honor to be, sir, your obedient servant,

W. D. JOLLEY,
Lieut. and Commandant.

Commander HOLLINS,
U. S. ship of war Cyane.

E.

UNITED STATES SHIP CYANE, (*at anchor,*)
San Juan del Norte, Nicaragua, July 12, 1854.

SIR: I have the honor to acknowledge the receipt of your communication of this date, and sincerely regret you should feel yourself necessitated to protest against the action I am about to take in relation to the *city of San Juan del Norte.*

The people of San Juan del Norte have seen fit to commit outrages upon the property and persons of citizens of the United States after a manner only to be regarded as piratical, and I am directed to enforce that reparation demanded by my government. Be assured I sympathize with yourself in the risk of English subjects and property under the circumstances, and regret exceedingly the force under your command is not doubly equal to that of the "Cyane."

I have the honor to be, sir, your obedient servant,

GEO. N. HOLLINS,
Commander.

W. D. JOLLEY,
Lieutenant and Commandant H. B. M. schooner Bermuda.

F.

POINT ARENAS, *July* 14, 1854.

SIR: In view of the existing state of affairs at San Juan del Norte, the place of my late official residence, I have the honor to inform you that my further presence at that port is no longer expedient or possible, and would respectfully ask of you permission to remove the archives of my consulate to your ship for safe-keeping, and conveyance for myself, my official and personal effects, to the United States, that I may co-operate the more fully with yourself in placing our government at Washington in possession of the details of the recent proceedings in this vicinity.

I am, sir, with great respect, your very obedient servant,

JOS. W. FABENS,
United States Commercial Agent.

GEO. N. HOLLINS, Esq., *Commander U. S. ship Cyane.*
Harbor of San Juan del Norte, Nicaragua.

G.

UNITED STATES SHIP CYANE, (*at anchor,*)
San Juan del Norte, Nicaragua, July 14, 1854.

SIR: I have the honor to acknowledge the receipt of your communication of this date, asking for the removal of your official and personal effects to the ship for safe-keeping, and for your conveyance to the United States. Under the circumstances, I feel assured the interest of the government will be subserved, and I therefore cheerfully extend you an invitation to make the ship your home for the passage.

The condition of the Cyane and her crew, from the unhealthiness of the climate, renders her departure from this port desirable at the earliest moment.

Assistance to remove your effects, &c., on board, will be placed at your disposal, at your request.

I have the honor to be, sir, very respectfully, &c.,

GEO. N. HOLLINS,
Commander.

JOS. W. FABENS, Esq.,
Commercial agent of the United States, Point Arenas, Nicaragua.

H.

UNITED STATES SHIP "CYANE," (*at anchor,*)
Harbor of San Juan del Norte, Nicaraguu, July 16, 1854.

SIR: I have the honor to report my arrival at this port on the 11th instant, after a tedious passage of twenty-two days. On the 28th ultimo, when off the "Bermudas," the "small-pox," in its most virulent form, made its appearance on board in the person of one of the crew, who is now in a precarious condition. The usual measures have been taken to prevent, if possible, the extension of the disease, which I hope may prove successful.

Immediately on my arrival I communicated with Mr. Joseph W. Fabens, the representative of the United States at this place, and delivered into his hands the despatch forwarded through me from the Hon. W. L. Marcy, Secretary of the Department of State, of which I had been honored with a copy. After due consultation with Mr. Fabens, I learned the demand by him, made by order of the State Department upon the town of San Juan, had not only been treated with contempt, but threats of future violence toward American citizens and property were publicly made, if an opportunity should offer. After due deliberation, it was thought expedient to make a final demand upon the inhabitants for an indemnity for injuries sustained by citizens of the United States, and for an apology of a satisfactory character for the insult recently given to Mr. Borland, our minister to Central America. In accordance with this decision, Mr. Fabens was directed to communicate with the agents of the Transit Company, and determine upon the amount of indemnity commensurate with their losses; and the sum of sixteen thousand [dollars] was agreed upon as the smallest sum admissible under the circumstances, which, with a previous demand already made of eight thousand, made the sum total of twenty-four thousand dollars. From my knowledge of the injuries, &c., sustained, and the future detriment to the company, &c., this sum seemed to be no more than just; and I directed Mr. Fabens to make a last appeal to the people of San Juan before decisive measures were taken. This was done on the afternoon of the 11th instant, as will be seen in his communication dated the 12th instant, (B) with its contents in answer to mine (A) of the day preceding.

As the result of the demand was entirely unsatisfactory, in my answer (C) to Mr. Fabens to his communication, I enclosed him a copy of a proclamation (D) to the people of the town, which was posted in

the most public places and perused by all. Shortly after, on the morning of the 12th, as an earnest of my intentions as set forth in the proclamation, at the request of Mr. Fabens, a guard of marines and seamen, under the command of Lieutenants Pickering and Fauntleroy, were ordered on shore to secure the arms and ammunition, as an evident disposition was existing among the people to make an improper use of them, and also to assist and protect Mr. Fabens and others in the removal of their property.

This duty was quickly performed by the officers of the command, and the arms, &c., deposited on Point Arenas, in charge of the agent of the Transit Company, to await future disposition. At the same time, foreigners generally, and those favorable to the United States, were notified that a steamer would be in readiness on the morning of the day of the bombardment, to convey such as were disposed to a place of safety.

Commander and Lieut. Jolley, of her Britannic Majesty's schooner Bermuda, at anchor in this harbor, was also notified by me, in person, of my intentions on the morrow, and a tender of assistance was made to him for the purpose of removing any property or persons of Great Britain. This offer was met by his communication (D 2,) and responded to as in my letter E. Agreeable to promise, a steamer was sent to the town at daylight on the morning of the 13th, to assist such as were disposed to take advantage of the opportunity. A few only accepted the proffered assistance, and were conveyed to Point Arenas; the majority of the inhabitants, either from fright, or a wish to set at defiance the threats made against the town, had left, or were willing to remain and risk the consequences. I had hoped the show of determination on the part of the ship would, at this stage of the proceedings, have brought about a satisfactory adjustment of the differences in question; but a total disregard and contempt toward the government of the United States determined me to execute my threats to the letter.

At 9 a. m., on the morning of the 13th inst., our batteries were opened on the town with shot and shells for three-quarters of an hour, followed by an intermission of the same time, when they were opened again for half an hour, followed by a second intermission of three hours. At the expiration of this interval the firing was recommenced, and continued for twenty minutes, when the bombardment ceased. The object of these several intervals in the bombardment was, that an opportunity to treat and satisfactorily arrange matters might be furnished the inhabitants of the town. No advantage was taken of the consideration shown them, and at 4 o'clock p. m. a command under Lieuts. Pickering and Fauntleroy was sent on shore with orders to complete the destruction of the town by fire. The property of Mr. De Barwell, a Frenchman, was directed to be exempted from destruction if possible, as I had learned he had protested, and held himself aloof, as far as possible, against any co-operation with the town's people, or pretended authorities of San Juan. The town was thus destroyed, for the greater part, in the short space of two hours. No lives were lost, although an attack was made by an armed party on the command of Lieuts. Pickering and Fauntleroy; but on the volley being returned, the attacking

party fled. The shots were returned more for the purpose of frightening than destroying life, and had the desired effect.

The execution done by our shot and shells amounted to the almost total destruction of the buildings; but it was thought best to make the punishment of such a character as to inculcate a lesson never to be forgotten by those who have for so long a time set at defiance all warnings, and satisfy the whole world that the United States have the power and determination to enforce that reparation and respect due them as a government in whatever quarter the outrages may be committed. The Royal mail-packet "Dee" arrived in the harbor during the conflagration of the town, but left immediately, taking with her in tow her Britannic Majesty's schooner "Bermuda;" thus leaving the English subjects referred to in the communication of Commander Jolly without any assistance, should it be required. No communication from Commander Jolly, of the "Bermuda," was made with the "Cyane" prior to his departure; but I am informed he carried with him a number of the principal participators in the outrages that have been committed by the town of San Juan, and among them the former mayor, a Mr. Martin.

I shall, in accordance with the order of the department, leave this place immediately for Boston direct, being satisfied the department will sanction this course—taking into consideration the application of Mr. Fabens, (F,) the present unseaworthy condition of the "Cyane," and the condition of the crew, favorable to the development of fever by a protracted stay in a warm climate at this early season of the year.

I have incidentally learned that the remains of Purser Ashmun, interred at this place some two years since, have not received that attention a décent respect for the dead would seem to demand, and I [have,] therefore, taken the liberty to exhume them for transportation to the North, being satisfied the step will be gratifying to the friends of the deceased, and will meet with the approbation of the department.

Permit me to call the attention of the department to the handsome and orderly manner in which the officers and crew of the ship I have the honor to command have executed all orders and duties assigned them during our recent difficulties; none could have done better.

I may also refer to the attention and kindness of the agents of the Transit Company toward the ship, and such unfortunates of San Juan as were worthy of their hospitality and kindly offers.

Trusting the course I have pursued in relation to the affairs of this place, and my intention of proceeding direct to the north, may meet with the unqualified approval of the department, I will bring my communication to a close, respectfully asking orders, in company with Mr. Fabens to Washington, on the announcement of the arrival of the ship by telegraph.

I have the honor to be, sir, very respectfully, &c., your most obedient servant,

GEO. N. HOLLINS, *Commander.*

Hon. J. C. DOBBIN,
Secretary of the Navy, Washington, D. C.

To the President of the United States:

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 28th instant, requesting the President, if not incompatible with the public interest, to furnish that House any official information which may have been received by the department relative to the destruction of Greytown, (or San Juan del Norte,) by Captain Hollins, in the United States vessel Cyane; and also that the President be requested to furnish to the House copies of instructions given to Captain Hollins relative to the demand for satisfaction which was made, in the name of the United States, upon the authorities of Greytown, (or San Juan del Norte,) before the bombardment and destruction of that place, has the honor to lay before the President the papers mentioned in the subjoined list.

Respectfully submitted,
W. L. MARCY.

DEPARTMENT OF STATE,
Washington, July 31, 1854.

List of papers accompanying the report of the Secretary of State to the President, of July 31, 1854.

Mr. Borland to Mr. Marcy, (with accompaniments,) May 30, 1854.
Mr. Marcy to Mr. Fabens, June 3, 1854.
Same to the same, June 9, 1854.
Mr. Fabens to Mr. Marcy, (with accompaniments,) May 15, 1854.
Same to the same, May 30, 1854.
Same to the same, June 16, 1854.
Same to the same, July 15, 1854.

Mr. Borland to Mr. Marcy.

WASHINGTON, *May* 30, 1854.

SIR: Having arrived in this city from my mission in Central America, I beg leave to submit the following statement of occurrences, which I regard as important, and ask for it your early consideration.

Enclosed herewith, and marked A, is a printed slip, cut by me from a New York newspaper, which purports to be a statement of those occurrences, prepared by the officers of the steamer "Northern Light," and which I find to be correct in all material particulars. I present it in lieu of any separate statement of my own, and adopt it as such.

Enclosed, also, marked B, I hand you a copy of the agreement made by me with the persons I employed to remain at Punta Arenas as a guard over the persons and property of our citizens.

In addition I deem it proper to remark, that although I was personally cognizant of the conduct of Captain Smith, for which he was charged with murder, and sought to be arrested by the so-called authorities of San Juan or Greytown, and was (as I now am) clearly and

decidedly of opinion that he was justifiable in all he did, the question of his guilt or innocence did not enter into the considerations for which I interposed to protect him. He was a citizen of the United States; and the persons who sought to arrest, and claimed the right to punish, him, were not recognised by the United States as a government possessed of the right, or invested with the power, to exercise jurisdiction over any portion of Central America, or to determine any question involving the persons or property of our citizens.

This ground I was not only authorized but required to assume, as well by the precedents of interposition to protect our citizens at the same place, and against the same persons, heretofore directed and sanctioned by our government, as by the special instructions under which my mission was undertaken. Besides, even supposing the so-called authorities of San Juan or Greytown to be a government invested with the rights and powers I have denied over the territory embraced within their town limits, they certainly had no jurisdiction over that portion of the territory upon which the obnoxious act of Captain Smith had been done, as that was, although on the north bank, yet some ten or twelve miles above the mouth of the San Juan river. So of the place where his arrest was attempted—Punta Arenas—on the south bank of the San Juan river, and the opposite side of the bay from San Juan or Greytown. The act, then, of Captain Smith, whether criminal or not, was done within the territory of Nicaragua, and for it he is amenable to Nicaragua alone, if to any authority. And the place of his attempted arrest—Punta Arenas—is territory in dispute between Nicaragua and Costa Rica, so that no legal process, civil or criminal, could rightfully be executed there, unless by authority of one or the other of those powers.

It will be observed that at one moment I resorted to a threat of violence to repel the armed men of San Juan from the steamer. I wish it to be distinctly understood that I did this from no impulse of passion, nor with the expectation that my threat would have to be executed, though if unheeded it would have been.

My course was adopted from a conviction of its necessity as the only mode then at my choice to prevent a collision which could hardly have ended without the destruction of many lives.

It is true that the mayor, (Siguad,) came to me and disavowed the acts of those who arrested and assaulted me. But it is equally true that he presided at the meeting in the station-house, (Iron hall,) in which it was proposed (by Martin, the ex-mayor) and resolved to arrest me; that the authorities took no steps to prevent it; and that the armed men who arrested me were composed, mainly, of the police guard of the town, and were armed with the muskets of the corporation. Their leader declared that he came by order of the mayor to arrest me.

From the best information I could obtain, the population of San Juan, or Greytown, numbers about three hundred, of all sorts, and consists of a few Englishmen, Frenchmen, Germans, and men from the United States, but mainly of negroes from Jamaica, and some natives of the Mosquito shore. There are also some two or three natives from the interior of Nicaragua. When I reached that place last Sep-

tember, the number of negroes was much smaller than at present. This number has been increased, as I am informed, by recent arrivals from Jamaica; until now, they constitute the majority, and exercise the greater influence. At the last election and corporate organization, no American (except one mulatto man from New Orleans) was included.

Of these people, I am informed that some seventy-five to one hundred can be mustered for military service, and they have in their possession three brass cannon—one 18-pounder and two 12-pounders—and some two hundred muskets. With the exception of a few persons, these people own no property, and have no ostensible means of livelihood.

In their anomalous condition, without a government which any civilized nation recognises; indeed, occupying, by usurpation, territory which our government recognises as belonging to Nicaragua, being persons, almost without exception, of notoriously bad character, some of them discharged penitentiary convicts and refugees from justice, habitually manifesting evil dispositions towards our citizens, and indulging those dispositions to the injury of persons and property, whenever they are not restrained by force, I am unable to regard them in any other light than as pirates and outlaws, upon whom punishment, to the extent of extermination, may be rightfully inflicted by any hand that has the power; and, in my opinion, the interests of good government and humanity impose the duty upon any offended party of inflicting such punishment in a manner at once summary and effective. Heretofore when these persons have committed their lawless acts upon our citizens, the armed hand of our government has been interposed, not to punish for the past offence, but only to prevent its threatened repetition. As a consequence, as soon as the restraining force was withdrawn, the offence was repeated. Until now, they have got to believe that restraint for the time, and not punishment, is the worst they will have to suffer for their worst acts. When I warned them of the consequences of their bad conduct, they boldly told me they intended to do as they pleased, and were reckless of consequences.

Under these circumstances, and informed by our commercial agent, Mr. Fabens, as also by Mr. Scott, the agent of the Accessory Transit Company, who has under his care many thousand dollars' worth of property, that in view of the evil dispositions of those persons, as manifested for some time past in a state of high excitement, they did not consider that the persons and property of our citizens would be safe, after the steamers had left, unless protected by an adequate force, I deemed it my duty to employ the services of the men, as set forth in the printed slip, and the agreement enclosed, in order to afford that protection. As these circumstances are, so far as I am informed, without precedent, so, I presume, is the course of conduct I pursued under them. What I did I found to be necessary, and believed to be right. I therefore assumed the responsibility, not doubting that it would be approved by my government.

It will be observed that the compensation I agreed to pay is large—that is, it would be considered so under ordinary circumstances; but, under the circumstances of the time and place, added to the fact that

the men employed were our citizens, who had been long from home, and were anxious to return, some of them being half-way the voyage, I do not think the amount can be deemed unreasonable. The refunding passage money, provided for in the agreement, was superseded subsequently by the stipulation in the postscript—to pay fifty dollars in addition to the one hundred first agreed upon. The reason for adding the fifty dollars was the difficulty I found in getting the requisite number of men, after a few had enlisted, for the hundred. Without this addition, I could not have made up the number. The free passage home is still provided for by the agreement of the Transit Company to receive the tickets for the remainder of the trip.

An additional item of expense, the amount of which could not be ascertained at the time, and which I do not yet know, is the cost of arms to supply a portion of the men. These purchases I authorized the agent of the Transit Company to make. The subsistence of the men will be furnished on account by the agent of the company. If the service shall continue longer than one month, the rate of compensation for the additional time will be $100 a month.

I expressed the confident opinion to the men employed that they would not be detained longer than one month; and I promised that they should be paid, through our commercial agent, when their services expired, at Punta Arenas. For this opinion and promise I confidently relied upon the approval and co-operation of my government.

I have the honor to be, most respectfully, your obedient servant,

SOLON BORLAND.

—

(A.)

Arrival of the Northern Light—Serious trouble at Nicaragua—Arrest of Mr. Borland, United States minister.

The purser of the steamer, by authority of Captain Churchill, furnishes the following report of extraordinary proceedings at San Juan, involving the arrest of Mr. Borland, the American minister. The purser says:

On the evening of the 16th instant, the river steamer Routh, Capt. T. T. Smith, arrived at Punta Arenas, and was lying alongside the Northern Light to deliver her passengers. About dusk, while the passengers were passing from one steamer to the other, a bungo, having on board some twenty-five or thirty armed men, mostly Jamaica negroes, headed by a mulatto man calling himself the marshal, came over from San Juan or Greytown, and ranged up alongside the steamer Routh. The so-called marshal, accompanied by several of his armed men, jumped on board the steamer, and announced their purpose to arrest Captain Smith, by virtue of a warrant from the mayor of Greytown, upon the charge of murder. Captain Smith refused to be arrested, and armed himself for resistance.

At this stage of the proceedings Mr. Borland, the American minister, who was at the time on board the Northern Light, was informed

of what was going on. He immediately went on board of the Routh, where he found a crowd of persons, among them a number of the armed men from the bungo, in a high state of excitement. The marshal, with his men, was attempting to arrest Captain Smith; and the latter, standing at the cabin-door, was keeping them at bay. Mr. Borland at once interposed, telling the marshal that no authority recognised by the United States existed at Greytown to arrest, or in any way to interfere with, an American citizen, and ordered him to withdraw his men from the steamer, and go away. The marshal proposed to exhibit the mayor's warrant, under which he was acting. This Mr. Borland declined to examine.

After some hesitation, the marshal announced his purpose to withdraw, as advised by Mr. Borland. While this was going on, and before the marshal and his men had left the steamer, much excitement was manifested among the men who had remained on board the bungo; loud, threatening language was used by them, and brandishing their weapons, several at once rushed on board the steamer. At this moment Mr. Borland, taking a rifle from the hands of a bystander, stepped over the railing upon the guards, warned the men in the bungo to keep off, and at their peril not to put a foot on the steamer. Upon this, the movement towards boarding the steamer ceased, and in a few minutes the marshal and his men returned to the bungo, and she returned to the opposite side of the harbor.

About dark, Mr. Borland, accompanied by Mr. Scott, a son of the agent of the Transit Company, on board of one of the boats of the Northern Light, went across the harbor to San Juan, or Greytown, to visit Mr. Fabens, our commercial agent. Soon after arriving there, Mr. Borland heard that at a meeting of the people of the town, held at the Station house, presided over by the mayor, it had been proposed, and seemingly agreed to, that he (Mr. Borland) should be arrested. In a few minutes the execution of this proposition was attempted. A loud knocking was heard at the lower doors of Mr. Faben's house, and upon his going to ascertain the cause, a body of men armed with muskets, consisting in part of the regular police of the town, and headed by a Jamaica negro, inquired for Mr. Borland, and declared their purpose to arrest him.

Mr. Borland, hearing this, went down stairs, confronted these men, and demanded their business with him. Their leader informed him they came by order of the mayor to arrest him because of his preventing the arrest of Captain Smith. Mr. Borland then repeated to them what he had said to the marshal about their want of authority, &c., and inquired of them if they were not aware of his exemption from arrest in his capacity of minister of the United States. To this they answered, they cared nothing for all that, but that they had come to arrest him, and meant to do it. He then warned them of the serious consequences to themselves and to all concerned with them if they proceeded to the extremities they proposed. They replied that they knew the consequences, and were prepared to meet them.

Mr. Borland said to them that they must proceed at their peril, and called several gentlemen, who were in an upper room, to come down and be witnesses of the threatened assault upon him. Upon this the

leader of the armed force called Mr. Martin, (ex-mayor,) as if for the purpose of consultation, and Martin not answering, they went off a little from the door in the direction where, from their manner, they expected to find him.

About this time, Mr. Borland still standing at the door, the mayor, (a Frenchman,) came up and said these proceedings had been without his order and authority; and while the conversation was going on, some one from the crowd threw the fragments of a broken glass bottle, which struck Mr. Borland, and slightly wounded him in the face. The particular person who threw this missile was not recognised, as the night was dark, and a crowd in the porch and about the door. Soon after this blow was inflicted upon Mr. Borland the crowd dispersed.

Mr. Fabens, the commercial agent, procured a canoe and passed the harbor to the Northern Light, to make known to Captain Churchill, and the passengers, the state of affairs on the other side. A meeting was held, at which it was agreed to send a committee of three gentlemen to consult with Mr. Borland as to the best steps to be taken; these gentlemen, with Mr. Fabens, proceeded in one of the steamer's boats to the town, but upon approaching the shore they were hailed by a number of armed men, who fired one gun over the boat, and threatened to fire into them if they attempted to land, and this although informed that Mr. Fabens was on board, and desired to go to his consulate. Thus forcibly prevented from landing the boat returned to the Northern Light. During the night the town was occupied by armed men, whose sentinels were stationed between the American consulate, where Mr. Borland was, and the harbor, challenging all who attempted to pass, preventing boats from landing or leaving the shore, and thus keeping Mr. Borland a prisoner all night.

The next morning he procured a boat, and returned on board of the Northern Light, when he was informed by Mr. Fabens, our commercial agent, and Mr. Scott, the agent of the Transit Company, of the violent and lawless disposition manifested by the people of San Juan. They did not deem the persons and property of our citizens safe from aggressions, or even destruction, in the absence of force sufficient to protect them. Mr. Borland, concurring in this opinion, called a meeting of the passengers, and proposed to engage the services of fifty men to remain, and afford the necessary protection, until our government, informed of the state of affairs, should send a proper force for the purpose.

The requisite number of men volunteered, and were organized, under the command of Crawford Fletcher, esq., formerly from Tennessee, and now on his return from California.

Mr. Fabens, our commercial agent, has taken up his abode under their protection, and Mr. Borland embarked on board the Northern Light, to proceed forthwith to Washington, to lay this matter before the government.

(B.)

PUNTA ARENAS, *May* 17, 1854.

The undersigned agree with Solon Borland, United States minister plenipotentiary in Central America, to remain at Punta Arenas, on the harbor of San Juan del Norte, as an armed guard, to be duly organized, until he can have them relieved by the orders of the United States government. The compensation to be one hundred dollars a month—a full month to be paid for, even if the service shall be of shorter duration; subsistence and quarters, and a free passage to either of the ports of New York or New Orleans, at the expiration of the service—that is to say, the proportion of passage money already paid from Punta Arenas to New York or New Orleans shall be refunded. Payment of the cash compensation to be made at the expiration of the service. The purpose of this service is the protection of the United States commercial agent and agency, and of the agent, agency, and employés of the Accessory Transit Company.

P. S. In addition to the above cash compensation, fifty dollars will be paid to each of the undersigned.

SOLON BORLAND, *U. S. Minister.*

George Hasner,
John Brown,
A. S. Caleb,
Timothy Yard,
James H. Smith,
Robert Johnston,
Benjamin F. Flake,
William Hipnell,
Daniel Rouse,
Perry Lanphere,
James Bell,
Robert C. Dunlap,
Joseph Piales
Paul Brown,
George W. Hubbard,
John Brown, 2d,
George W. Armory,
R. Steer,
J. A. Hatch,
Crawford Fletcher, (comm'der)
William H. Thompson,
Henry Long,
Samuel Williams,
D. Simpson,
Patrick Mahony,
John Antonio Nachin,
James B. Stringham,
William Gay,
Michael Dawself,
William Kerner,
Charles Tobin,
Henry Jacobi,
Henry M. Crane,
Robert Hall,
John Manning,
Sandford Wintermute
John O'Neil,
August Marcebe,
John Chanady,
Eli Eisenharts,
Charles H. Fifield,
Erastus Thayer,
William Jacobi,
Peter Sneider,
H. Laager,
Barton S. Muekey,
J. Bennett Sawtell
Jacob Perrer,
R. Degroot,
Steven D. Clerland,
James Bickey.

Mr. Marcy to Mr. Fabens.

DEPARTMENT OF STATE,
Washington, June 3, 1854.

SIR: I presume an order will be sent out by the steamer which will leave New York on the 5th instant for San Juan, to discharge the men who were employed by Mr. Borland for the protection of the life and property of American citizens at that place. One of our armed vessels will be ordered to visit San Juan. The conduct of the people there towards our citizens has attracted the attention of this government, and will not be passed unnoticed. The inhabitants of that place will be expected to make reparation for the wrongs and outrages they have committed. The case stated in your communication to this Department of the 15th ultimo, (No. 8,) presents a wrong which requires immediate reparation. As the pretended authorities of the town have volunteered to protect those who had stolen the property of the Accessory Transit Company, when brought within the territories over which they assume to exercise authority, they will be held responsible to the amount thereof, and to make due reparation therefor. You will lose no time in notifying them that this government will require a restoration of, or payment for, the property taken to their town, and all damages sustained by their outrageous conduct in preventing the company from repossessing itself of it. In other respects, their conduct has been such towards our citizens as to require the interposition of this government for obtaining redress, and it is expected the people at that place will be prepared to make it in a satisfactory manner. I shall communicate with you more fully on this subject by the opportunity which will be afforded by the national ship about to be sent to San Juan.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

JOSEPH W. FABENS, Esq.,
U. S. Commercial Agent at San Juan de Nicaragua.

Mr. Marcy to Mr. Fabens.

DEPARTMENT OF STATE,
Washington, June 9, 1854.

SIR: Commander Hollins, of the United States navy, will immediately proceed in a national ship to San Juan de Nicaragua, for the purpose in part indicated in my communication to you of the 3d instant.

The rumor which has just reached here embarrasses the government in indicating the course which it will be proper for him to pursue on arriving at that place. It is said that the pretended political and civil authority at that place is dissolved. Should this prove to be true, there will be no organized body upon which a demand for redress can be made, or from which a proper indemnity for injuries or insults can be received. But the individuals who have participated in the infliction

of the wrongs cannot escape from responsibilities resulting from the conduct of the late political organization at that place.

You were instructed in my former letter to notify the people of San Juan to repair the injury they have caused to the Accessory Transit Company by withholding from it the property which had been stolen and taken to San Juan, and by protecting the persons who were guilty of the felony. It is hoped that the town will have adjusted that matter to the entire satisfaction of the company; and in that way Commander Hollins will be relieved from the disagreeable necessity of taking any action in regard to that subject. You will, on the arrival of Commander Hollins, explain to him what has been done in that matter.

Mr. Borland, our minister to Central America, has represented to this government that, while recently at San Juan, he was insulted by the authorities or people of that place. An indignity offered to the nation, as well as to him individually, cannot be permitted to pass unnoticed. If done by order of the authorities of the place, they must answer for it in their assumed political character. Nothing short of an apology for the outrage will save the place from the infliction that such an act justly merits. It is expected that this apology will be promptly made, and satisfactory assurances given to Commander Hollins of future good conduct towards the United States and public functionaries who may in future be at that place.

If the outrage was committed by lawless individuals without the authority or connivance of the town, then it is clearly the duty of those who exercise the civil power at San Juan to inflict upon them exemplary punishment. The neglect to bring them to justice is assuming, on the part of the nominal magistrates there, the responsibility for the acts of these individuals. In such a case, not to punish is an implied sanction of the acts of the transgressors. It is hoped that the authorities will be prepared to satisfy Commander Hollins that they have done what was incumbent on them in the way of bringing the offenders to punishment.

You will confer freely with Commander Hollins, and furnish him with all the information you possess in relation to the condition of things at San Juan.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

JOSEPH W. FABENS, Esq.,
U. S. Commercial Agent at San Juan del Norte.

Mr. Fabens to Mr. Marcy.

COMMERCIAL AGENCY, UNITED STATES OF AMERICA,
San Juan del Norte, Nicaragua, May 15, 1854.

SIR: I have the honor to acknowledge the receipt of flag and arms of the United States for this agency, per steamship "Star of the West," on the 2d March last.

I have also to acknowledge receipt of your despatch, dated March 21, granting me leave of absence for six weeks, agreeably to my re-

quest, and it is my present intention to leave per steamship "Northern Light" on or about the 1st proximo.

Since my last despatch (No. 7) of 3d March, there have been some matters of difference between the people of this town and the Accessory Transit Company of Nicaragua. Mr. Joseph L. White, agent of the company, left here on the 17th of March, without having effected any settlement of existing difficulties between the company and the town. Before leaving, he gave instructions to the captains and pursers of the steamships to pay no more port charges at San Juan del Norte, and take no letters or other packages or freight for, and have no communication of any nature whatever with, the people of said town. This proceeding, on the part of the company, exasperated much the people of the town.

The ground taken by the company in this matter was, that the territory which they occupied, known as Point Arenas, was held by them by virtue of their charter from Nicaragua, and was a portion of that State; that their steamships did not come within the jurisdiction of the municipal authorities of San Juan del Norte, and were consequently not to be held liable for any port charges levied by the authorities of that town.

On the 15th of April an election of town officers was held, which resulted in the choice of an administration supposed to be friendly to the transit company, and prepared to settle all differences with the said company upon the terms set forth by Mr. White while here.

But on the evening of the 5th instant a disturbance took place upon the shores of the harbor, the details of which are fully, and as I believe correctly, set forth in the accompanying document, marked A, and on the evening of the 6th instant, another and more serious difficulty occurred, which is correctly described in document B. The facts set forth in these two protests of Mr. Scott, general agent of the Accessory Transit Company of Nicaragua, are substantiated by depositions taken before me of several of the employés of the company. The point of contention between the parties is, as will be seen, the right of jurisdiction on the part of the municipal authorities of San Juan del Norte over Point Arenas.

Since the occurrences described in the above-named documents, affairs have gone on quietly. On the 12th, Mr. Scott appeared in court that his bail might not be forfeited, but declined contesting the case, having already protested. After a brief examination of the person presenting the complaint, he, Mr. Scott, was discharged. The trial of Sloman will take place on the 20th instant, when, as he acknowledges the offence with which he is charged, he will probably be condemned to pay a few dollars fine and cost of court.

I have brought this matter to your notice, because I believe that, until affairs are arranged between the Nicaragua Transit Company and the town of San Juan del Norte, or until the question of sovereignty over this town and the territory of Point Arenas is settled, there can be no permanent tranquillity or well-being on either side. I do not apprehend that any serious disturbances will arise for the present; but I am, nevertheless, of opinion that the frequent visits to our harbor of

vessels of war of the United States will exercise a beneficial influence upon the interests of all concerned.

I am, sir, with great respect, your very obedient servant,

JOSEPH W. FABENS.

Hon. WILLIAM L. MARCY,
Secretary of State of the United States, Washington, D. C.

A.

COMMERCIAL AGENCY, UNITED STATES OF AMERICA,
San Juan del Norte, Nicaragua.

By this public instrument of protest be it known unto all men—

That on this 12th day of May, A. D. 1854, personally appeared Joseph N. Scott, agent of the Accessory Transit Company of Nicaragua, who, being duly sworn, did solemnly depose and say:

That on the evening of Friday, 5th instant, at or about the hour of 11 p. m., William Creighton, mate of the steamer "H. L. Bulwer," belonging to the aforesaid Transit Company, being at that time at the said company's station at Point Arenas, did observe four men in the act of loading a yawl boat, belonging to the said company, with merchandise, and suspecting something wrong in consequence of the lateness of the hour, did thereupon notify the deponent of the fact. The said Creighton recognised the aforesaid men as Robert Reed, J. Magraw, and two others, names unknown, but all at the time, or previously, employés of the said company.

The deponent immediately proceeded to the spot, but the boat was at some distance from the beach at the time of his arrival. He hailed the boat, calling upon the said Reed by name to come back; the parties in the boat made no reply, although they were within easy hailing distance, and their voices were heard from the shore apparently exhorting one another to push on.

He, the deponent, finding that no attention was paid by the men in the boat to his command, at once despatched a second boat, manned by William Creighton, Robert Bullis, and William Sloman, all employés of the said Transit Company, in pursuit.

The boat that first left the aforesaid Point Arenas shaped her course for the city of San Juan del Norte, and, arriving there before the second boat, a portion of the men succeeded in leaving her before the pursuers reached the spot. One man, the aforesaid Reed, was found in the boat, and, while resisting the attempts of the aforesaid Sloman to secure him, he was struck upon the head by the said Sloman.

The said Sloman, after knocking the man Reed into the water, attempted to shove the boat off shore, and, while in the act of so doing, the soldiers from the station-house threatened to fire on him; thus compelled, the said Sloman returned to the shore with the boat. In the mean time the men who had escaped from the first boat took refuge in the station-house.

He, the deponent, doth further solemnly depose and say, that the yawl boat above described, together with the merchandise therein,

consisting of flour, corn-meal, &c., was the property of the aforesaid Transit Company, and was stolen from the said company as above described, and that it was in the attempt to recover said property, and secure the persons of the offenders, that the above specified difficulty occurred.

Soon after the occurrence last described above, Mr. Hutchinson, clerk of the aforesaid Transit Company, acting under the orders of the deponent, accompanied by three men, arrived on the spot, and finding the stolen boat on the beach, jumped into her with his, the said Hutchinson's, men. The said Hutchinson then attempted to shove off the boat, and was ordered by a policeman with a musket to stop; but no attention being paid to this order, the man dropped his musket and called on the crowd to assist him in taking possession of the boat, which, being the strongest party, they succeeded in doing. The said Hutchinson then observing F. Diezman, "captain of the port of San Juan del Norte," called upon him, the said Diezman, to deliver over to him, the said Hutchinson, the aforesaid boat, agreeing at the same time to leave in his, the said Diezman's, charge the merchandise therein until the following morning, that it might then be identified, with the express understanding that this property was not to be in any other way disposed of until such examination was made. The said Hutchinson, together with the aforesaid Sloman, Bullis, and Creighton, having the three boats in charge, then left the port of San Juan aforesaid on their return to Point Arenas.

On the following morning, 6th instant, the said Hutchinson returned to San Juan with the said Creighton, to identify the aforesaid property, in accordance with the agreement made with the said Diezman, as above described. He, the said Diezman, had not the property in charge, but said he had handed it over to the marshal. The said Hutchinson then accompanied the said "marshal" to a house, in the open yard of which were some articles which he, the said "marshal," asserted were the goods in question. The said Hutchinson, finding the agreement made between himself and the said Diezman above described had been thus violated, and seeing that the flour and other articles taken by the aforesaid Reed, Magraw, and associates, were missing, and that the wife of the said Magraw was apparently in charge of the goods, declined making any examination of the same, and left on his return to the point aforesaid.

On the same morning, 6th instant, A. Siguad, mayor of San Juan del Norte, issued a warrant for the arrest of the aforesaid William Sloman, charged with assault and battery upon the person of the aforesaid Robert Reed, which was received by the said Sloman from the hands of the said marshal. The said Sloman, being in the employ of the aforesaid Transit Company, requested to communicate with the deponent, agent as aforesaid, under whose orders he had acted. The said marshal then accompanied the said Sloman to the office of the deponent, and the deponant replied to the demand of the said marshal that, according to the views of the company which he represented, the authorities of San Juan del Norte held no authority or jurisdiction over the territory known as Point Arenas, and that he should not permit the arrest

of the said Sloman by them, except it was effected by force and under *protest*. Upon which the said marshal departed.

On the afternoon of the same day the said marshal returned, accompanied by an armed force, when the deponent permitted the taking of the said Sloman, protesting verbally against the act at the time, and notifying the said marshal of his determination to send in likewise his written *protest* to the authorities of San Juan del Norte at his earliest convenience.

Now, therefore, the deponent, for and in behalf of the aforesaid Transit Company of Nicaragua, doth hereby publicly and solemnly *protest* against the authorities of San Juan del Norte and their proceedings, as above described, in the assistance rendered by them in harboring the aforesaid Reed, Magraw, and associates, and receiving the goods stolen by them, the said Reed, Magraw, and associates, to the great detriment of the Transit Company aforesaid, and in sending an armed force to the territory known as Point Arenas, in Nicaragua, now occupied by the said Transit Company, by virtue of their charter from Nicaragua, as a gross and unjustifiable outrage upon the property, as well as the rights and privileges, of the said Transit Company, and will hold them, the authorities aforesaid, responsible for all losses, damages, costs, charges, and interests which are or may be occasioned by the same.

JOSEPH N. SCOTT, *Agent.*

Sworn to and subscribed before me, on the day and year first above written,

JOSEPH W. FABENS,
United States Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
San Juan del Norte, Nicaragua.

I hereby certify that the foregoing protest is a true copy from the record book of this agency.

[L. S.] In testimony whereof, I hereunto set my hand and seal of office, this 15th day of May, 1854.

JOSEPH W. FABENS,
United States Commercial Agent.

B.

COMMERCIAL AGENCY, UNITED STATES OF AMERICA,
San Juan del Norte, Nicaragua.

By this public instrument of protest, be it known unto all men:

That on this twelfth day of May, A. D. 1854, personally appeared Joseph N. Scott, agent of the Accessory Transit Company of Nicaragua, who, being duly sworn, did solemnly depose and say:

That on the 6th instant, William Sloman, an employé of the aforesaid Transit Company, was taken by force, and under protest of the deponent, from Point Arenas, in Nicaragua, and carried to the city of San Juan del Norte, by persons claiming to be in authority there, under

the protection of the Mosquito flag. On the evening of the same day, he, the deponent, did proceed to the city of San Juan aforesaid, for the purpose of making an attempt to obtain the discharge of the said Sloman from custody, he being a man whose services were of great value to the aforesaid Transit Company at the time being. While at the station-house, in company with J. W. Fabens, United States commercial agent, after having obtained the discharge of the aforesaid Sloman under bond, he, the deponent, was declared a prisoner, and held to an examination relative to a charge preferred against him by the marshal of the city, of having, while at Point Arenas, objected to the taking of the aforesaid Sloman therefrom by the authorities of the city of San Juan del Norte, on the ground that the said authorities had no authority or jurisdiction over the said point. The deponent was then held to bail for his appearance for trial within six days from that date, (6th instant,) which being furnished by the United States commercial agent aforesaid, he was released.

Now, therefore, he, the deponent, doth hereby in his own behalf, as a citizen of the United States of America, as well as in behalf of the Accessory Transit Company of Nicaragua, publicly and solemnly *protest* against the aforesaid authorities of the city of San Juan del Norte, for the commission of the above described outrage, and will hold them responsible for all losses, damages, costs, charges, and interests, which are or may be occasioned by the same.

JOSEPH N. SCOTT, *Agent.*

Sworn to and subscribed before me, on the day and year first above written.

JOSEPH W. FABENS,
United States Commercial Agent.

UNITED STATES COMMERCIAL AGENCY,
San Juan del Norte, Nicaragua.

I hereby certify that the foregoing protest is a true copy from the record book of the agency.

[L. S.] In testimony whereof I hereunto set my hand and seal of office, this 15th day of May, 1854.

JOSEPH W. FABENS,
United States Commercial Agent.

Mr. Fabens to Mr. Marcy.

[No. 9.] COMMERCIAL AGENCY, UNITED STATES OF AMERICA,
San Juan del Norte, May 30, 1854.

SIR: Since my last despatch, No. 8, dated May 15, 1854, accompanying protests of the general agent of the Accessory Transit Company of Nicaragua, very serious difficulties have arisen, growing out of an attempt made by the people of this town to seize the person of the American minister in Central America, Mr. Borland, while on his re-

turn to the United States. This extraordinary measure was undertaken, as I am informed, in consequence of the ground taken by the minister, that the people now occupying this town had no jurisdiction over Punta Arenas, or the steamers of the Transit Company. You have, doubtless, before this received full details of this affair from Mr. Borland himself, and I will merely state briefly the facts in the case, as they fell under my own personal observation.

On the evening of the 16th instant, at about the hour of 6 p. m., Mr. Borland arrived at my house. He informed me that a native boatman had been shot upon the river by the captain of the steamer in which he, Mr. B., was a passenger; that upon arriving in our harbor, an armed force boarded the steamer, and demanded the person of the said captain; that he, Mr. B., told them they had no authority or jurisdiction in the matter, and that he should not permit the captain to be arrested by them. While we were conversing upon this subject, information was brought by a friend that the authorities of San Juan had decided upon the arrest of the American minister, and in about five minutes time an armed force, of some six or seven men, mostly, it appeared, Jamaica negroes, with muskets in their hands, drew up in front of the consulate, and in a very excited manner demanded the American minister. I proceeded to the door, and while endeavoring to learn more in detail the character of this movement, Mr. Borland himself came forward. He spoke to the group (at this time, in addition to the six or seven men with muskets already mentioned, there were some thirty or forty others, principally blacks from Jamaica and San Domingo, and all in a state of intense excitement) in a calm and dignified manner; asked them if they were aware of the consequences of these proceedings, &c. To which reply was made, that they were fully aware, and had been prepared to die since 4 o'clock, p. m. Mr. Borland then spoke to me apart, requesting me to leave immediately for the steamship Northern Light, lying in the harbor at the time, and if possible return with aid. As I left the house in obedience to this request, a fragment of a broken bottle was thrown at Mr. Borland, striking him in the face, and drawing blood therefrom. I will here add, that I never saw a more infuriated mass of human beings than were on that occasion in forcible possession of the consulate; and so great was the excitement in town against the Transit Company, from the moment when the information of the death of the above-mentioned boatman arrived, that it is my firm belief that if the captain who committed the act had been delivered up, he would have been torn in pieces, or hung immediately, without trial or examination.

When I arrived on board the Northern Light, I stated the case to Captain Churchill, who gave me permission to lay it before the passengers. It was then decided, after mature deliberation, that a committee of three should be appointed to return with me to San Juan, communicate with the minister, and agree upon the most proper course to take under the circumstances. In company with this committee, I set out on my return to town, but on approaching the shore we were ordered off. The quartermaster replied that the consul was on *board*, and going to his house. The answer to this was, "He can't *land*." Upon our venturing to proceed, a shot was fired by one of the

party above our heads, while three others pointed their muskets directly into the boat. We then put about, and returned to the ship. It was then past midnight. All this time we had been under great anxiety as to the personal safety of Mr. Borland, and it was to assure ourselves upon this point that the steps last described above were taken.

On the following morning, between the hours of seven and eight, a. m., Mr. Borland, taking advantage of a momentary lull of the excitement, left the consulate for the steamship, in company with Mr. E. F. Mason, an American gentleman residing with me. He was received on board the Northern Light with every manifestation of sympathy and joy on the part of his countrymen. What followed you are doubtless aware of. A consultation was subsequently held, at which Mr. Borland, Colonel Fremont, Mr. J. H. Scott, agent of the Accessory Transit Company, Captain Churchill, and myself were present; and it was decided as necessary, under the circumstances, to leave an armed force at Point Arenas for the protection of the Accessory Transit Company and the American interests at San Juan del Norte. Fifty men were enrolled, of whom Mr. Crawford Fletcher was unanimously elected captain. These men are now on duty at Point Arenas, and I am convinced that their presence at that point has kept in check the violent passions of the lower class of people of this town, and prevented further and yet more serious disturbances. Many rumors of what was contemplated have reached me; but, as I have no positive proof in the matter, I defer communicating them until I can do so personally.

The Northern Light sailed on the evening of the 17th instant. On the next morning the British war steamer "Argus" arrived in our harbor. The people of this town, as I learn, applied to the commander for an order to disperse the force at Point Arenas, which he declined giving. This vessel remained four days in port, and then sailed for Port Royal, in Jamaica. I did not have the pleasure of seeing her commander while here, neither did he communicate with the agent or any officer of the Transit Company, or take any steps, so far as I am aware, to inform himself of the *American side* of the affair in question. On the morning of the arrival of this vessel, all the authorities of this town resigned their offices, and the place remains to this time without any form of government. The Station house, with the arms and ammunition belonging to the town, is in possession of the Jamaica negroes, (the same parties who committed the outrage previously spoken of.)

I am of opinion that there can be no permanent peace in this place until the question of sovereignty is definitely settled, and a responsible government established.

I am, sir, with great respect, your very obedient servant.

JOSEPH W. FABENS.

Hon. Wm. L. Marcy, *Secretary of State, Washington, D. C.*

Mr. Fabens to Mr. Marcy.

[10] COMMERCIAL AGENCY, UNITED STATES OF AMERICA,
San Juan del Norte, June 16, 1854.

SIR: I have the honor to acknowledge the receipt of your despatch of the 3d instant.

I am very much gratified to learn that the conduct of the people of this town towards our citizens will not be passed over unnoticed.

My last despatch, dated May 30, (No. 9,) gave a brief statement of affairs since the departure of the "Northern Light," 17th ultimo. There is but little change to the present time. Some of the aiders and abettors in the outrage perpetrated upon Mr. Scott, agent of the Accessory Transit Company, as well as upon Mr. Borland, United States minister to Central America, have escaped per British steamer to Jamaica, via Navy Bay; but I believe that the chief instigators are yet among us.

With regard to the losses suffered by the Accessory Transit Company, I am of an opinion that no suitable indemnity can be obtained from the parties now in possession of affairs, except by taking possession of and holding the territory of Mosquito, so called, beneath whose flag the outrages in question were perpetrated.

With the hope of receiving further instruction by the national vessel soon to arrive,

I am, sir, very respectfully, your obedient servant,

JOSEPH W. FABENS.

Hon. WILLIAM L. MARCY,
Secretary of State, Washington, D. C.

P. S.—Mr. Scott, agent of the Accessory Transit Company, has notified me that he does not consider it advisable or safe, under the circumstances, to leave Point Arenas unprotected, and requests me to keep the guard now there on service until the arrival of an armed vessel of the United States; which request (as it is in perfect accordance with my own opinion in the case) I have complied with, by giving an order to Captain Fletcher, in command of the forces, to remain until the arrival of the next steamship, due here 30th June, previous to which date I hope the United States vessel will be here.

Very respectfully, your obedient servant,

JOSEPH W. FABENS.

Mr. Fabens to Mr. Marcy.

UNITED STATES SHIP CYANE,
Off San Juan del Norte, July 15, 1854.

SIR: My last despatch of the 16th ultimo advised you of the detention of the armed force left by Mr. Borland at Point Arenas for an additional half month. This was done with the understanding with Mr. Scott, agent of the Transit Company, that if the United States government did not recognise the necessity of this measure, the expenses

thereof would be paid by the Transit Company. The half month expired on the 2d instant; but as the New York steamship did not arrive in our harbor until the 3d, the men were not disbanded until that day, and received in settlement pay for one day extra.

I have now the honor to acknowledge the receipt of your despatch of the 9th ultimo, per Commander Hollins, of the United States ship Cyane, who arrived in our harbor on the 11th instant. In reply, I have to say that, in accordance with my instructions contained in your despatch of the 3d ultimo, I notified the late "acting authorities and the people of the town" that the United States government would require of them reparation for the wrongs they had committed towards our citizens. Herewith is transmitted a copy of my letter, marked A. I received no official reply—the town being without political organization. The information which reached me through private sources was to the effect that the people of the town were fully determined to make no pecuniary redress, either to the Transit Company or to the government of the United States, for any obnoxious acts they might have committed. In the matter of the personal assault upon our minister, Mr. Borland, they were especially insulting in their remarks, and regretted, to use their own language, that they had not kept him a prisoner at San Juan, and made him answerable for the act alleged to have been committed by Captain Smith, of the Transit Company's steamer Routh.

The instigators and perpetrators of the outrage were suffered to hold exclusive possession of the town, its arms and ammunition, and this extraordinary state of things continued until the people were driven from the place by the decisive measures of Commander Hollins.

Immediately upon the arrival of Commander Hollins, I received from him a letter, a copy of which I herewith transmit, marked B, asking for information as to the existing state of affairs at San Juan.

In the personal interview which followed, it was decided as expedient to renew the demand already made, and in such a manner as to impress the people of the town with the idea that satisfaction for their past injuries and insults towards American citizens must and would be had. Thereupon I proceeded at once to Point Arenas, to agree with Mr. Scott, agent of the Transit Company, as to the sum of money proper to be demanded for the losses and damages suffered by the company in the case presented in my despatch of May 15th. He (Mr. Scott) assured me that he could not consent to accept a less amount than sixteen thousand dollars; and, together with Mr. Hutchinson, clerk of the company at this place, showed to my satisfaction that the actual damages to the company had been much greater.

This amount being fully approved by Commander Hollins as proper and just in the matter, on the same evening, acting upon my instructions contained in your despatch of the 9th ultimo, and the request of Commander Hollins, I made the demand of which the document marked C, herewith transmitted, is a copy. To this the same reply substantially was given as to the previous, but couched in more insolent language. I will here mention that the British war schooner Bermuda was at that time in our harbor; and I am of opinion that this

fact had an influence upon the conduct of the people of the town on that occasion.

On the 12th instant I replied officially to the communication of Commander Hollins, copy of which letter I transmit herewith, marked D. The documents therein spoken of as marked A and B are above described as A and C.

On receiving my letter, Commander Hollins, after due deliberation and consultation, decided to give to the offenders twenty-four hours further notice to render satisfaction; and if such was not afforded at the expiration of that time, to bombard the town. He accordingly, on the morning of the 12th instant, issued a proclamation to that effect, which, together with his letter in reply to mine of same date, I herewith transmit, marked E and F. Three copies of this proclamation I caused to be posted in the three most conspicuous parts of the town, where they were universally read.

On the afternoon of the 12th instant, Commander Hollins landed a party of marines and seamen under command of Lieutenant Pickering, for the purpose of removing the arms and ammunition from the station house, which was duly effected.

I regret to have to say that the proclamation of Commander Hollins produced no effect upon the people of the town. Not one of its inhabitants paid to him the courtesy of a visit; and no word of explanation of affairs, or remonstrance against the proceedings of the United States government was forwarded either to Commander Hollins or myself, except a brief protest from James Geddes, esq., acting vice consul of her Britannic Majesty at Greytown, Mosquito. I will here mention, however, that, on the occasion of the outrage committed by the town presented in my despatch of the 15th of May, a protest from the house of A. De Barwell & Co., French merchants, against the "authorities," was duly deposited in the archives of this agency; and that, on the occasion of the subsequent outrage upon the person of Mr. Borland, a protest of the same tenor was received from the house of F. S. Wood & Son, American merchants at San Juan.

Finding that no intention was manifested on the part of the people of the town to explain, furnish redress, or apologize for their past misconduct, and that all demands and notices served upon them by the United States government were treated with derision and contempt, Commander Hollins prepared his ship for action on the morning of the 13th instant, and opened the bombardment, according to notice, at 9 o'clock a. m. The report of the engagement, &c., will be found in his despatches to the Navy Department.

The considerate and generous course of Mr. Joseph N. Scott, agent of the Accessory Transit Company, from the time the proclamation of Commander Hollins was posted, until the present moment, is truly worthy of mention. Invitations were extended by him, on the part of the company, to the old and infirm, the women and children, as well as to all who were willing to declare themselves to be friendly disposed towards the United States, to repair on board of the river steamers of the Transit Company with their most valuable effects. Two steamers were sent to San Juan for this purpose, the latter on the morning preceding the bombardment, at which time she remained two hours at the

wharf. Some twelve persons only availed themselves of this kind provision.

In view of the present condition of affairs at San Juan del Norte, which seems to render my further presence at that port inexpedient for the time being, and with the hope of being serviceable to my fellow-citizens by proceeding to the United States with Commander Hollins, I have asked and obtained that officer's permission to remove, with the archives of my agency and personal effects, to his ship, and hope to have the honor of reporting myself to you at Washington soon after the receipt of this despatch.

I am, sir, with profound respect, your very obedient servant,

JOSEPH W. FABENS.

Hon. WILLIAM L. MARCY,
Secretary of State of the United States,
Washington, D. C.

33d Congress, 1st Session. [HO. OF REPS.] Ex. Doc. No. 127.

TREATY WITH GREAT BRITAIN.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Copy of a treaty between the United States and Great Britain.

August 3, 1854.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

To the House of Representatives:

I herewith transmit to you a copy of a treaty between the United States and Great Britain, negotiated at Washington on the 5th of June last. It has been concurred in by the Senate, and I have no doubt that the ratifications of it will be soon exchanged. It will be observed that, by the provision of the 5th article, the treaty does not go into operation until after legislation thereon by the respective parties.

Should Congress, at its present session, pass the requisite law on the part of the United States, to give effect to its stipulations, the fishing grounds on the coasts of the British North American provinces, from which our fishermen have been heretofore excluded, may be opened to them during the present season, and apprehended collisions between them and British fishermen avoided.

For this reason, and for the purpose of securing to the citizens of the United States, at the earliest practicable period, other advantages which it is believed they will derive from this treaty, I recommend the passage by Congress, at the present session, of such a law as is necessary, on the part of the United States, to give effect to its provisions.

FRANKLIN PIERCE.

Washington, *August* 2, 1854.

A treaty extending the right of fishing and regulating the commerce and navigation between her Britannic Majesty's possessions in North America and the United States, concluded in the city of Washington on the fifth day of June, anno Domini 1854, *between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland.*

The government of the United States being equally desirous with her *Majesty the* Queen of Great Britain to avoid further misunderstand-

ing between their respective citizens and subjects in regard to the extent of the right of fishing on the coasts of British North America, secured to each by article I of a convention between the United States and Great Britain, signed at London, on the 20th day of October, 1818; and being also desirous to regulate the commerce and navigation between their respective territories and people, and more especially between her Majesty's possessions in North America and the United States, in such manner as to render the same reciprocally beneficial and satisfactory, have respectively named plenipotentiaries to confer and agree thereupon—that is to say, the President of the United States of America, William L. Marcy, Secretary of State of the United States, and her Majesty the Queen of the united kingdom of Great Britain and Ireland, James, Earl of Elgin and Kincardine, Lord Bruce and Elgin, a peer of the united kingdom, knight of the most ancient and most noble Order of the Thistle, and governor-general in and over all her Britannic Majesty's provinces on the continent of North America, and in and over the island of Prince Edward; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

Article I.

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the above-mentioned convention of October 20, 1818, of taking, curing, and drying fish on certain coasts on the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the seacoasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore; with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen islands, for the purpose of drying their nets and curing their fish: *Provided*, That, in so doing, they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the said coast in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all fisheries in rivers, and the mouths of rivers, are hereby reserved exclusively for British fishermen.

And it is further agreed that, in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen, contained in this article, and that of fishermen of the United States, contained in the next succeeding article, apply, each of the high contracting parties, on the application of either to the other, shall, within six months thereafter, appoint a commissioner. The said commissioners, before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to jus-

tice and equity, without fear, favor, or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding article, and such declaration shall be entered on the record of their proceedings.

The commissioners shall name some third person to act as an arbitrator or umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the arbitrator or umpire in cases of difference or disagreement between the commissioners. The person so to be chosen to be arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either of the commissioners, or of the arbitrator or umpire, or of their or his omitting, declining, or ceasing to act as such commissioner, arbitrator, or umpire, another and different person shall be appointed or named as aforesaid, to act as such commissioner, arbitrator, or umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Such commissioners shall proceed to examine the coasts of the North American provinces and of the United States embraced within the provisions of the first and second articles of this treaty, and shall designate the places reserved by the said articles from the common right of fishing therein.

The decision of the commissioners, and of the arbitrator or umpire, shall be given in writing in each case, and shall be signed by them respectively.

The high contracting parties hereby solemnly engage to consider the decision of the commissioners conjointly, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him respectively.

ARTICLE II.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty to take fish of every kind, except shell-fish, on the eastern seacoasts and shores of the United States, north of the 36th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said seacoasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish: *Provided*, That in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE III.

It is agreed that the articles enumerated in the schedule hereunto annexed, being the growth and produce of the aforesaid British colonies, or of the United States, shall be admitted into each country respectively free of duty:

Schedule.

Grain, flour, and breadstuffs of all kinds.
Animals, of all kinds.
Fresh, smoked, and salt meats.
Cotton-wool, seeds, and vegetables.
Undried fruits, dried fruits.
Fish, of all kinds.
Products of fish, and of all other creatures living in the water.
Poultry, eggs.
Hides, furs, skins, or tails undressed.
Stone or marble, in its crude or unwrought state.
Slate.
Butter, cheese, tallow.
Lard, horns, manures.
Ores of metals, of all kinds.
Coal.
Pitch, tar, turpentine, ashes.
Timber and lumber, of all kinds, round, hewed, and sawed, unmanufactured in whole or in part.
Firewood.
Plants, shrubs, and trees.
Pelts, wool.
Fish oil.
Rice, broom-corn, and bark.
Gypsum, ground or unground.
Hewn, or wrought, or unwrought burr or grindstones.
Dye-stuffs.
Flax, hemp, and tow, unmanufactured.
Unmanufactured tobacco.
Rags.

ARTICLE IV.

It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the river St. Lawrence, and the canals in Canada, used as the means of communicating between the great lakes and the Atlantic ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of her Britannic Majesty, subject only to the same tolls and other assessments as now are, or may hereafter be,

exacted of her Majesty's said subjects; it being understood, however, that the British government retains the right of suspending this privilege on giving due notice thereof to the government of the United States.

It is further agreed, that if at any time the British government should exercise the said reserved right, the government of the United States shall have the right of suspending, if it think fit, the operation of article III of the present treaty, in so far as the province of Canada is affected thereby, for so long as the suspension of the free navigation of the river St. Lawrence or the canals may continue.

It is further agreed, that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts, so long as the privilege of navigating the river St. Lawrence, secured to American citizens by the above clause of the present article, shall continue; and the government of the United States further engages to urge upon the State governments to secure to the subjects of her Britannic Majesty the use of the several canals, on terms of equity with the inhabitants of the United States

And it is further agreed, that no export duty, or other duty, shall be levied on lumber, or timber of any kind, cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick.

ARTICLE V.

The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain, and by the Provincial Parliaments of those of the British North American colonies which are affected by this treaty on the one hand, and by the Congress of the United States on the other. Such assent having been given, the treaty shall remain in force for ten years from the date at which it may come into operation, and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterwards.

It is clearly understood, however, that this stipulation is not intended to affect the reservation made by article IV of the present treaty with regard to the right of temporarily suspending the operation of articles III and IV thereof.

ARTICLE VI.

And it is hereby further agreed, that the provisions and stipulations of the foregoing articles shall extend to the island of Newfoundland, so far as they are applicable to that colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States, shall not embrace in their laws enacted for carrying

this treaty into effect the colony of Newfoundland, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair the remaining articles of this treaty.

ARTICLE VII.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in triplicate, at Washington, the fifth day of June, anno Domini one thousand eight hundred and fifty-four.

W. L. MARCY. [L. S.]
ELGIN & KINCARDINE. [L. S.]

33d Congress, 1st Session. [HO. OF REPS.] Ex. Doc. No. 128

NATIONAL ARMORIES—APPLICATIONS FOR OFFICE OF SUPERINTENDENT OF, &c., &c.

LETTER

FROM THE

SECRETARY OF WAR,

TRANSMITTING

Papers in reference to applications for offices connected with the National Armories.

August 3, 1854.—Laid on the table, and ordered to be printed.

War Department,
Washington, August 3, 1854.

Sir: I have the honor to submit the enclosed papers in reply to a resolution of the House of Representatives of the 31st ultimo, requiring information in relation to the application by either of the commissioners who visited Springfield armory, under the act of March 3, 1853, for the office of superintendent of either of the national armories, or any recommendation by either of said commissioners for the appointment of any other person to that office; also, in relation to any application by, or in behalf of, any of the witnesses from Harper's Ferry or Springfield, who testified before the select committee of the House, to whom was referred the question of the expediency of employing military officers for the supervision of civil works, for any office in either of said armories, or any recommendations of either of said witnesses by other persons for any such office. Also, in relation to any application by either of the members of said select committee in their own behalf, or in behalf of any other person or persons, for appointment to any office connected with the prosecution of any of the various public works which are the subject of inquiry by such committee.

From these papers it appears that, of the four civil commissioners who visited Springfield, one is a candidate for the superintendency of that armory, being recommended by the other three for that post; and that one of the latter has been recommended for the superintendency of Harper's Ferry armory. Of the nine witnesses from Harper's Ferry and Springfield who testified before the select committee, that three were candidates for the office of superintendent, and two for other offices *in said armories*. Of the select committee, that the chairman

was an applicant for the office of Commissioner of Public Buildings when it included the supervision of the Capitol extension, a work referred to in the resolution; and that one of the members has recommended persons for office in the Harper's Ferry armory.

Very respectfully, your obedient servant,

JEFFN. DAVIS,
Secretary of War.

Hon. LINN BOYD,
Speaker of the House of Representatives.

WAR DEPARTMENT,
Washington, August 4, 1854.

SIR: Among the papers transmitted with my report of yesterday, in answer to a resolution of the House of Representatives of the 31st ultimo, was a letter from the Secretary of the Interior, stating that the Commissioner of Public Buildings, when the chairman of the select committee was an applicant for that office, had the supervision of the Capitol extension, and the statement was referred to in my report in recapitulating the contents of the papers submitted.

I have now the honor to submit a communication from the Secretary of the Interior, stating that his report above referred to was erroneous in that particular, and that the Capitol extension was not under the supervision of the Commissioner of Public Buildings when the application for that office was made.

Very respectfully, your obedient servant,

JEFFN. DAVIS,
Secretary of War.

Hon. LINN BOYD,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, August 4, 1854.

SIR: My letter to you of yesterday was, as you are aware, prepared with much haste, and, as I have since discovered, under the misapprehension that the Commissioner of Public Buildings, prior to the transfer of the Capitol extension to your department, acted as superintendent and disbursing agent for that work, as well as for the Patent Office building, the erection of which, you will remember, was also proposed to be transferred to the supervision of your department. Looking hurriedly back to these transactions, and the previous connexion between the two works, and the fact that prior to said transfer I never had occasion to do any important official act respecting the Capitol, no doubt led to the error.

While the Captol extension, as well as the Patent Office building, was under the direction of this department, the architect, Mr. Walter, acted as disbursing agent for the former, and not the Commissioner of Public

Buildings. This mistake is calculated to place Mr. Stanton in a false position in regard to this matter, and I hasten to correct it. I have, this morning, enclosed to him a copy of this letter.

I have the honor to be, very respectfully, your obedient servant,

R. McCLELLAND,
Secretary.

The SECRETARY OF WAR.

WASHINGTON, *December* 12, 1853.

DEAR SIR: I take the liberty of recommending Colonel Henry D. Smith, of Middletown, Connecticut, for superintendent of the Springfield armory. I do this from a firm conviction that he is every way qualified for that station.

It is true that I had no personal knowledge of Colonel Smith until I met him as one of the commission; and after it became apparent to me that the public interests demanded a change of superintendency, I then took almost unlimited pains to seek for an individual whom I could recommend to you as the man best qualified for that station. The result has been that Mr. Smith is the man.

I am aware that Mr. Smith's appointment may be objected to, on the ground that he was one of the commission who investigated the affairs of the armory.

To such objections I beg leave to say, from my own experience, that any one who was present and attended to that investigation is better, far better, qualified to right the wrongs and avoid the difficulties that there exists, than he was or could have been prior to that examination.

I cannot see or think of any valid reason why the mere fact of Mr. Smith's having been one of the commission should deprive him of the appointment, or the country of the services of a man who is equal, if not superior, to any one whose services could be obtained.

I therefore hope and trust that you will disregard clamors, if any should be uttered, and give to the down-trodden armorers a man in whom, I assure you, they have entire confidence, and one whom I am confident that, while he attends to the removal of grievances, will not forget or neglect the duties incumbent on him as a public agent.

Truly yours,

JNO. H. STEELE.

General FRANKLIN PIERCE,
President of the United States.

P. S. I would also recommend William Smith, of Springfield, Massachusetts, for master armorer, being satisfied that he is well qualified to fill that station.

WASHINGTON, *December* 7, 1853.

DEAR SIR: Should you, in accordance with the power vested in you by the act of the last session of Congress, deem it expedient to change the system for the superintendence of the armories, I am of the opinion

that you could not select a more discreet, efficient, and proper person as superintendent at Springfield, than Colonel Henry D. Smith, of Middletown. He appears to me to unite all those qualities which are essential to a good superintendent better than any man I know of in that section of the United States.

He is very discreet and prudent, and conciliatory in his manners, united with promptness, energy, and perseverance, and possesses a very great knowledge of human nature, and of the springs which operate upon and influence human action. In addition to this, he is, or at least was for many years, a practical mechanic, engaged in the actual manufacture of contract arms, and in the management of armories. And no man that I know of, whose services could be obtained for the compensation allowed by law to the superintendent, would, in my opinion, keep up the arms manufactured by the government to that high state of excellence which is desirable, and manage the concerns of the establishment with greater efficiency and economy.

The only possible objection that I know of to his appointment, is the fact that he was one of the commissioners lately concerned in the investigation at the Springfield armory. And during the whole of that investigation, and in the separate report which he has made, he has conducted himself so discreetly as not to give any cause of offence to any one. Under all the circumstances, therefore, I think, upon the question of expediency, I should recommend his appointment, notwithstanding this objection.

I am, sir, with respect and esteem, yours, &c.,

R. H. WALWORTH.

His Excellency FRANKLIN PIERCE,
President of the United States.

WASHINGTON, *December* —, 1853.

DEAR SIR: Having determined to change the present system of superintendence at the national armories, I presume you will, in making the appointment and selecting an individual qualified for the discharge of its duties, regard his knowledge of *mechanics* as an essential qualification for such a station. If so, I beg leave to mention Colonel H. D. Smith, of Connecticut, for the armory at Springfield. I need hardly say that he is, in my opinion, qualified in every respect for such an appointment. He is in the prime of life; of most vigilant and industrious habits, and withal a skilful and scientific judge of arms, tools, and machinery. He is a man of decision and firmness, and of fine temper and disposition, and peculiarly calculated to manage a large body of mechanics, and win their respect and confidence. I have had no communication with Colonel Smith upon the subject, but act on my own responsibility.

I am, with high respect and consideration, your friend and obedient servant,

A. STEVENSON.

General F. PIERCE,
President of the United States, Washington.

WASHINGTON CITY, *April* 14, 1854.

DEAR SIR: I duly received your communication of the 11th instant. I had that day learned that you had published an article in the "Union," over your own signature, which I desired to examine, and deferred my reply.

I understand you, sir, to allude to a conversation between the Hon. Charles J. Faulkner and myself, touching the superintendency of the armory at Harper's Ferry, in which connexion you understood Governor Steele's name was mentioned. I have no hesitation in answering you, first remarking that I never sought the support or influence of Mr. Faulkner for that or any other appointment.

Regarding Mr. Faulkner as interested in the question of a change of the system of superintendence of the armories, &c., I remarked, and he answered, "that the President was ready to report, but was waiting to select a suitable man for the armory at Harper's Ferry, and that I have recommended Governor Steele for the appointment."

Presuming that Mr. F. spoke authoritatively, I then and since regarded Governor Steele as a competitor for the appointment.

Very respectfully,

THOMAS QUANTRILL.

Col. JAMES W. RIPLEY.

Hon. H. D. SMITH, *Washington, D. C.:*

MY DEAR SIR: P. B. Tyler, esq., of Springfield, present (democratic) mayor, is now with me. He informs me that the President has declined to comply with the wishes of your friends as to your appointment as superintendent, on the ground of your having been on the commission.

Among your friends were Mr. Tyler and his friends, as I am informed. The name of Mr. Tyler is *now* before the President. From my acquaintance with him I feel well assured that, as a gentleman and a mechanic, no name among any now before the President can be more suitable.

Your influence would be perfectly right and proper for the interests of the country, the armory, and, at the same time, vastly promote the true democratic feeling in the right places.

Excuse me for noticing a matter on which I am so little accustomed, but I cannot help a good word in a good place, when my friend Mr. Tyler is interested.

Very respectfully, yours,

ALFRED HALL.

SUPERINTENDENCE OF PUBLIC WORKS.

WASHINGTON, *April* 11, 1854.

To the editor of the Union:

SIR: In your paper of this morning, Colonel James W. Ripley, commandant of the Springfield armory, has undertaken to reply to an article

of mine published in your paper of the 8th. I shall not notice his flings any further than to say that his insinuation, or charge, of my being a candidate for the office of superintendent for either of the armories, is untrue. It is, however, true that, near the close of January last, a friend informed me that he had named me to the President for the *temporary* management of the armory at Harper's Ferry; and it is true, also, that on the next morning after learning that fact, I called on the President, and unconditionally withdrew my name; but whether my name was used on any other occasion I do not know; but I do know that, if it was used, it was without my knowledge or consent. As regards Colonel Henry D. Smith, the other commissioner, to whom Colonel Ripley doubtless alludes, his name was presented to the President, not by himself, nor by his request, but by me; and my reason for so doing was, my thorough conviction that he was every way qualified for that post. When I first named the subject to Colonel Smith he objected, on the ground that he was one of the commissioners; but upon my consulting Hon. Andrew Stevenson and Chancellor Walworth, they, each for himself, wrote to the President, recommending Colonel Smith for that post; and this, so far as I know, is the amount of Colonel Smith's offence.

As regards the conduct of the commission while acting as commissioners, I have nothing to say, except calling the attention of the public to the record of their labors, and asking them to judge whether we sought for truth, or "only sought for matter to sustain us in our foregone conclusions, and strove to suppress or pass over anything opposed thereto," assuring the public that there was not a witness offered that we refused to hear.

For myself, I went to Springfield with a strong prepossession in favor of Colonel Ripley, never entertaining even a thought that a man holding the high office of colonel in the army, and thought worthy of being selected to command or control some two or three hundred intelligent mechanics, could or would descend to petty acts of tyranny which would disgrace an Algerine despot; and it was not until proof, irresistible proof, stared me in the face, convincing alike to my sight, to my understanding, and to my heart, that I was enabled to see the man as he is—and this entire revulsion of feeling may have had the effect of carrying my judgment beyond what facts will warrant; of this, however, I am entirely content that a discerning public should judge, fully believing that, after all the facts are laid before them, they will give a correct judgment. In the mean time, I will proceed to say, that it may be that I was mistaken in ascribing the article published in your paper of the 5th to the Ordnance board, or to some officer connected therewith; but if so, why did not you so say in your introduction to that article? At any rate, you will give me leave to say, that it requires other and much more reliable evidence than the mere "say so" of Colonel Ripley.

If my statement in regard to the workmanship and cost of the muskets is not correct, why did not Colonel Ripley point out wherein I *erred*? This he has failed to do, contenting himself with saying that my statement "is simply untrue," and referring to evidence, as he says, "*now* before the select committee to prove it." I know not what evi-

dence there may be before that committee, but this much I do know: that a fair and open examination, and comparison of muskets manufactured in 1840 under civil rule, with those of 1853 under military rule, were made, and setting aside Colonel Smith and my own opinions on that comparison, we still have the testimony of several competent witnesses, who examined those arms, and gave their testimony in the presence of the board, and in presence of Colonel Ripley's master-armorer and others under his command; and it is now too late to cavil at or contradict that testimony, for if that testimony was not true or correct, the proper time to contradict it, or show wherein those witnesses were in error, was then and there; for be it remembered that if those belonging to the armory who were present were not competent, his inspectors, whom I am told he afterwards assembled, were close at hand. The truth is, that the facts set forth in the testimony before the board were so visible, so overwhelming, that even Colonel Ripley, with all his assurance, could not, dare not face it; but after the board had adjourned (as I have been informed) he selected, in what manner I know not, arms from the arsenal or elsewhere, collected his willing or unwilling tools, and after haranguing them on the necessity of counteracting the testimony taken before the board, and assuring them that their reputation, as well as his own, was at stake, he induced some of them, not all, to sign a paper drawn up for them; and this paper is probably the evidence on which he relies to contradict or upset the evidence taken before the board.

If it was true that I am seeking "for votes or public plunder," I know not where to look for a more striking example than this honest colonel has given; for if the free rent of his splendid quarters, and the receipt of at least $35,999 70 for twelve and a fourth years' services would not be satisfactory to my ambition, then, indeed, I might, in truth, be considered unreasonable, and, with the gallant colonel, declare that the command or superintendency of such a post was not desirable; and if his boasted books, which he is constantly parading before the public, are correct, and give a *true* account of all the expenditures at Springfield, how happens it that the large sum of $35,999 70 is nowhere accounted for in the cost of arms? And can it be that those boasted books nowhere give a full account of the entire cost of those splendid quarters, which, in my previous communication, I stated my belief as having cost at least $30,000, and the grounds, &c., around them an equal sum? If they do, why not give their actual cost, and not cavil at or pronounce my statement "untrue?" I do not know the fact, but believe that neither Colonel Ripley's books, nor the books of any department of the government, will furnish a true answer to the question, What did those quarters actually cost? I am the more confirmed in this belief from having, while at Springfield, endeavored to ascertain from those boasted books, and from the master-spirit of the armory, the entire cost of that edifice, but failed. The cost was traced up to over $22,000, and the acknowledgment made that that sum did not cover the entire cost.

There are other expenditures at Springfield which nowhere appear in the accounts rendered from that armory, amounting, in my opinion, to large sums. These, if need be, will in due time be laid before the public. *In the mean time*, it will not do for Colonel Ripley to attempt

to shelter himself behind ordnance orders, or screen himself or his conduct from investigation, by referring or quoting former investigations; for he may rest assured, that if I fail in ferreting out all of those concealed expenditures, he will find that abler pens than mine will strip bare, even the head, that is now, like the partridge, concealed under the leaf.

If Colonel Ripley has reformed abuses which previously existed at Springfield, he certainly has introduced rules, or rather orders, which no high-minded man could ever have thought of, much less enforced. I know not what "*public plunder*" was carried on by the civilians—no evidence of any such state of affairs came before the commission—and must therefore conclude that Colonel Ripley's charge to that effect is not only gratuitous, but designed, like the cry of the thief, to divert public attention from himself.

I will only add, that many of the books, particularly those called for by the giving and given testimony before the board, were, when they could be procured, examined, and that I am not aware that evidence was offered by "disappointed place and contract-seekers, and taken, recorded, and used as evidence," except Colonel Ripley means by the above quotation that two of his own witnesses were of that character.

Errors or mistakes cheerfully corrected, even if pointed out by Col. Ripley; for I have neither wish nor desire to misrepresent even Colonel Ripley.

Truly yours,

JOHN H. STEELE.

The undersigned, members of the Virginia legislature, and your friends and supporters, would respectfully recommend to your favorable consideration, in the appointment of a civil superintendent for the armory at Harper's Ferry, Major Benjamin Moore, of Harper's Ferry, who has all his lifetime been connected with an armory, and was once a superintendent, and now a member of this body.

John W. Luke,
D. McKinney,
R. Dunlop,
Jos. Gilmore,
Wm. Prince,
Geo. H. McClure,
Jas. M. Newkirk,
Jno. Thos. Gibson,
Jno. Carroll,
E. D. Talbott,
Jos. K. Pendleton,
Thos. Wallace, (with great cordiality,)
Chas. H. Gilmer,
Isaac B Dunn,
Hiram Martz,
Ulysses N. Arnett,
Thos. Shannon,
W. C. Parks,
W. Gatewood,
Elkanah Fleming,
Andw. Wellman,
G. S. Slimp,
Jas. Barbour,
T. B. Miller,
B. W. Jackson,
Morris D. Newman,
Saml. Carpenter,
Wm. Hevener,
S. S. Davison,
George Crow,
Wm. H. Wooding,
Jno. H. Morrison,

L. A. Miller,
David West,
B. F. Garrett,
O. M. Crutchfield,
S. G. Tucker, (Clerk House Delegates,)
J. B. Stovall,
E. S. Baker,
John Lemley,
Gilbert S. Meene,
A. G. Reyer,
B. B. Douglas,
J. T. Martin.

To General FRANKLIN PIERCE, *President of the United States.*

HARPER'S FERRY, *March* 3, 1853.

DEAR SIR: As we have understood that a movement is making relative to the appointment of civil superintendent of the United States armory at Harper's Ferry, we take the opportunity of assuring you, and through you all others with whom you may communicate upon the subject, that we regard Major Benjamin Moore as having no superior in this country for the appointment in consideration.

He is, beyond doubt, one of the very best practical manufacturers of arms of the age; his skill as a machinist and inventor is unsurpassed; which qualifications, in conjunction with his character for morality, integrity, and a just appreciation of the merits of his fellow-citizens, point to him as one of the very best and most judicious selections for superintendent that could be made in the country. His whole life has been devoted to the improvement of firearms, and to his study and skill alone have they arrived at the high state of perfection which they at this time so eminently exhibit.

Such a man would be of vital importance to the government interest; and we, in consideration of his long-known and meritorious service, both to the government and to the armorers, most respectfully urge you, and all others' service you can enlist, to use every honorable effort with the legislature of our State, and senators and representatives in Congress, to procure for the above-named exemplary gentleman an appointment, which would not only be an act of justice to Major Moore, but would be of the most signal importance to the government, as well as highly momentous to the armorers themselves. Should Major Moore receive the appointment, we are assured that the office will be filled by a gentleman whose claims are above all others, whose experience and abilities peculiarly fit him for it, and whose character for integrity and scrupulous justice will stand, as it has done, untarnished by the smallest departure from a high, honorable, manly, and dignified position.

Our efforts will be unceasing, as we hope yours will be, to procure this important and highly desirable appointment.

Hugh Gilleece,
Alexander Brown,
Geo. B. Stephenson,
Arnold S. Stephens,
William J. Stephens.

HARPER'S FERRY, *December* 14, 1853.

SIR: It is rumored that an opposition to Major Moore's claims to the office of superintendent of the armory was likely to emanate from the Ordnance department, respecting his physical abilities. Being exceedingly anxious that Major Moore should not be undermined, please excuse this liberty of anticipating that opposition, and of assuring you that Major Moore is now one of the most active and industrious men in this community. It is known here that he has been regarded for years, by the Ordnance department, as one of the ablest, most industrious, most exemplary, and most reliable men connected with that department; and General Talcott and Colonel Craig have both written and expressed themselves to that effect. It is hoped that no unworthy motives will induce an undervaluing of so deserving a man, who, by a christian and exemplary life, has retained with a gray head the full vigor of his mental and corporeal powers. It being the impression of many that such an opposition, though with an ill grace, would in some form emanate from that quarter, I have been requested to address these few lines to you; and I will conclude by assuring you that I have no other design but to avert an injustice which might result in a contingency where the information would be important.

Very respectfully,

WM. J. STEPHENS.

To his Excellency FRANKLIN PIERCE,
President of the United States.

HARPER'S FERRY, *November* 22, 1853.

SIR: In connexion with the paper addressed to you recommending Major Benjamin Moore to your notice, and to which our names are attached, we respectfully ask to state, that it is within our personal knowledge that Major Moore has for a long time been regarded as possessing abilities for any office connected with the manufacture of arms, equal, if not greatly superior, to any man in this country. We are confident that he has long been regarded as the ablest and most reliable man in the armory, as well by the Ordnance department as by every person whose position enabled him to form a judgment in the matter. Being residents of this place for many years, we have throughout the whole period understood such to be his reputation without a dissenting voice; besides, his industry is untiring, and as a Christian and citizen he is in the highest degree exemplary and useful.

We are also credibly informed that the armory here was almost entirely remodelled by him, and that he has claims to inventions and improvements of which he has never made any display.

We make this direct communication, because Major Moore, having thrown the weight of his character and abilities against the military system of superintendency, might incur the hazard of not being fairly dealt with by the Ordnance department at this time; but we know that such *was* his reputation both within and without that department, and we believe such is his reputation now, if there would be a candid expression of sentiment.

It is not desirable to obtain the signatures of armorers, or there would be a great many to both of these papers, as we are assured that a great majority of the armorers, and of our most respectable citizens of the town and country, regard Major Moore's character such as we have presented it, and look upon him as the person who (in the event of a change from the military to the civil superintendency) is entitled to the office of superintendent.

Alexander Brown, Geo. B. Stephenson,
Hugh Gilleece, John Marlat.

To his Excellency FRANKLIN PIERCE,
President of the United States.

CULPEPER COURT-HOUSE, *December* 10, 1853.

SIR: Understanding that Major Moore, of Jefferson county, is presented as a candidate for appointment as superintendent at Harper's Ferry, I beg leave to unite in the numerous and respectable recommendations of him already before you. Having served two years with Major Moore in our State legislature, I have had some opportunity to know him, both as a man and as a politician, and I hardly know upon which to place the highest estimate—his unflinching devotion to the principles of his party, or the unswerving integrity which characterizes his personal relations. I am sure that he will discharge the duties of any office which he undertakes; and shall be much gratified if the wishes of his friends in this matter can be complied with.

Very respectfully, &c.,

JAS. BARBOUR.

To the PRESIDENT *of the United States.*

WINCHESTER, VIRGINIA, *December* 14, 1853.

SIR: Supposing it to be at least possible that the military system at our national armories will be abolished, I take pleasure in recommending Mr. Benjamin Moore, of Harper's Ferry, for the office of superintendent of the armory at that place.

I have known Mr. Moore for a number of years, both whilst he was the master armorer at Harper's Ferry and since, and I have never met with one more scrupulously exact as a public officer, or more honest and correct as an individual.

Having worked up his way to his late post of master armorer, and knowing precisely how every operation, even the most minute, connected with the manufacture of small arms should be executed, he would seem to be peculiarly qualified to superintend an establishment like that at Harper's Ferry; and his whole past life gives the assurance that he will prove faithful to any trust that may be reposed in him.

I have the honor to be your most obedient servant,

RICHARD PARKER.

To the PRESIDENT *of the United States.*

DECEMBER 8, 1853.

SIR: We, citizens of Jefferson county, induced by a sense of right and justice, do most respectfully recommend Major Benjamin Moore, in the event of a change, as a gentleman whose abilities, character, and services rendered the government, entitle his claims upon the government to the most respectful consideration.

His abilities and services in the manufacture of arms are regarded as pre-eminent, and his character is such as places him above the suspicion of engaging in any office but with the intention of discharging the duties with conscientious integrity.

Entertaining these sentiments towards Major Moore, we feel that the office of superintendent of the United States armory, if given to him, would be occupied by a gentleman whose real claims for the station are above all others; and in apprehension of political manœuvring operating to obscure his worth and services before the appointing power, we respectfully ask for him a due consideration of his claims, a consideration of which, we feel confident, will result in his selection.

His qualifications, his services, and his character, point to him as the gentleman whose title to the office rests upon true merit, and who would equally promote the interests of his government and fellow-citizens by an able and faithful discharge of his duties.

H. L. Opie,	Joseph Cram,
James W. Beller,	Geo. B. Stephenson,
Francis W. Drew,	Wm. J. Stephens,
Wells G. Hawks,	Alex. Brown,
John M. Coyle,	John G. Wilson,
David Fry,	Hugh Gilleece,
Arnold S. Stephens,	John Hyet,
George Murphy,	John Marlat.

DECEMBER 8, 1853.

It affords me very sincere pleasure to say, that from all I have heard in regard to Major Moore, I consider him in all respects admirably qualified for the situation he seeks, and I feel as well assured that, if appointed, he will discharge the duties faithfully and acceptably to the government and the country. His character, standing, and capacity, eminently fit him for the position.

Very respectfully,

J. LETCHER,

Representative of the 9th district of Virginia.

To his Excellency FRANKLIN PIERCE,

President of the United States.

BOSTON, *February* 6, 1854.

DEAR SIR: This will be handed to you by Mr. O. D. Robb, who was, during the Mexican war, an officer in the Massachusetts regiment. He is a son of Mr. John Robb, of Washington, formerly superintendent of the Springfield armory.

My object in writing to you is to ask a favorable consideration of

Mr. John Robb's application for the superintendency of the armory at Harper's Ferry. I do so at the request of his son, James B. Robb, of Boston, a lawyer of considerable eminence, and one of your firm friends; also, of many of Mr. John Robb's numerous friends in this quarter. They believe that you have decided to place the armories under civil superintendence, and consider Mr. Robb's claims to be of such a character as to meet your earnest consideration.

Col. Talcott, in a letter to the department, which is on file, written while Mr. Robb was at Springfield, and at the time the armory at Harper's Ferry was on the decline, said that he was the only man that could resuscitate and restore it to a healthy condition, and urged his transfer to that place.

Mr. Robb's friends here are confident that you will find his excellent qualities of great service at the present time; and what is perhaps a little singular my interposition in his behalf may be of vast service to him, which, if possible, will be highly gratifying to me as well as to them.

Very truly, your obedient servant,

JOSEPH P. BRADBURY.

His Excellency the PRESIDENT.

HARPER'S FERRY ARMORY,
July 24, 1853.

DEAR SIR: Sincerely and unreservedly disclaiming all intention to embarrass further the action of the department on the subject of the armories, in respect to the mode of administering their affairs, I desire respectfully to submit to your judgment and approval some of the considerations and inducements which lead me to offer myself, through the medium of your office, as an applicant before the Executive for the vacant superintendency of this armory, should the action of Congress, on the subject now pending before it, render necessary the appointment of a new class of officers:

First. I claim perfect immunity from the intrigues of the parties who have so long kept alive the agitation of the questions relating to the armories, and therefore maintain a position, in view of the post of superintendent, pre-eminently above all solicitations based on alleged services in this or that behalf, and consequently free, personally, to preserve or abandon any line of policy or course of action deemed necessary for the best interests of the establishment, irrespective of all such like obligations.

Second. Indulging in as little egotism as possible under the circumstances, I express my conviction and confidence that my qualifications, administrative and executive, are amply sufficient for the discharge of all the duties of the office; relying, as I should, on the satisfied and cheerful co-operation of the superior corps of officers and their assistants now engaged at the armory, and the judicious submission of my official acts to the criticism and decision of your department.

In this connexion, I will state what you are well aware of, that, as the chief clerk to the several superintendents and officers in charge of the armory for eighteen consecutive years, I have acquired, in all the business of the armory, an experience general and particular in detail,

an accurate knowledge of all its wants, and of the habits and capacities of the men employed; an acquaintance with the business men of the country with whom the armory deals for supplies of material, and a thorough appreciation of the rules and regulations of the service, and of the essential necessity of a strict adherence to them; all of which peculiarly fits me for the prompt discharge of the duties of the office.

Third. I make no pretensions to be called a practical mechanic, which would be simply ridiculous if I did; notwithstanding which, I do claim that my education has been such—elementary and acquired—as, with my long experience in this manufacturing establishment, to enable me detect and determine the application of erroneous or false principles of science or practice to the business operations of the armory. Vigilant and timely attention to all matters of this kind would, at least, give me the advantage of the peculiar learning of others on the special subject of investigation or inquiry, and thus afford me the opportunity of profiting by it.

Fourth. I have diligently devoted the prime of my life to the service of the goverment in the clerkship before mentioned, and I believe to the satisfaction of my superior officers, coming into it at the age of twenty-five years, and I now trust that the contingencies of the service are such as to warrant my promotion. I need the compensation afforded to the highest office for the proper education of my children, as well as the gratification arising from an acknowledgment and appreciation of my services which this appointment would afford; and therefore most respectfully but urgently ask it of you, in view of all these considerations, which you are so well prepared to urge, advised and supported as you will be by your brother officers of the same corps, to promote, if you consistently can, my application.

Last. I give assurance to the department that, should my administration of the affairs of the armory not prove entirely and eminently successful, and in all respects satisfactory to the department, I will, without trouble to it, retire at the first intimation of dissatisfaction, and thereby enable it to prosecute the business of the armory without the restraint of an impracticable or refractory superintendent.

I enclose herewith a communication on this subject from Major W. H. Bell, the present commandant of the armory, which I trust will have the weight it deservedly is entitled to in the consideration of this question. I will also furnish to Colonel Benjamin Huger, his immediate predecessor, a copy of this letter to you, and request his concurrence with Major Bell; and I respectfully solicit the favor of your views in the matter, so that I may determine if it be necesssary for me to fortify my application with other recommendations, the sources of which are numerous enough, I think, to present a very fair case. If I cannot have your approval I will abandon the application. I so decidedly prefer to receive the appointment for the reasons I have named, that, rather than seek it through the medium of political or party influences, I would relinquish all aspirations for it.

I have the honor to be, sir, very respectfully, your obedient servant,

A. KITZMILLER.

Colonel H. K. Craig,
Ordnance department, Washington, D. C.

HARPER'S FERRY ARMORY, *July* 22, 1854.

DEAR COLONEL: Understanding that Mr. Kitzmiller (in case the civil superintendency is restored by an act of Congress) will make application, through you, for the place of superintendent of this armory, I take pleasure in recommending him to your favorable consideration as a person who has taken no part in the armory question agitated here; who is honorable, obedient to orders, diligent, capable, and of abundant experience in all the varied business of the armory, arising in an honorable service of sixteen or eighteen years. I think he would carry out your views of armory government, and preserve the uniform improvement of late years, better than any civilian that can be found.

I am, dear sir, yours truly,

WM. H. BELL,
Major of Ordnance.

Colonel H. K. CRAIG,
Chief of Ordnance, Washington, D. C.

HARPER'S FERRY ARMORY, *April* 9, 1853.

SIR: I respectfully ask the appointment of master armorer of the United States armory at this place. I am by trade a gunsmith, and have been employed as inspector of finished muskets in this armory for upwards of twenty years; the whole time of my employment as inspector, in the absence of the master armorer I have acted in his place. I submit to your favorable consideration the accompanying testimonials of my character and qualification for the office solicited.

Very respectfully, I remain, sir, your obedient servant.

ADAM RHULMAN.

Hon. JEFFERSON DAVIS,
Secretary of War.

WINCHESTER, VIRGINIA, *March* 18, 1853.

SIR: For several years prior to 1847 I was the paymaster at the Harper's Ferry armory, and there had the opportunity of becoming well acquainted with Mr. Adam Rhulman, who was, during my residence at that place, an inspector in that establishment.

That acquaintance has been continued since, and it gives me great pleasure to say that I regard him as one of the most intelligent and upright gentlemen of the many with whom it was my fortune to be then associated.

I at all times found him industriously engaged in his proper duties, and believe that the utmost confidence may be safely reposed in him by the government, and that he is fully qualified for the position of master armorer—a position for which, as he writes to me, it is his purpose to apply.

Your obedient servant,

RICHARD PARKER.

The Hon. SECRETARY OF WAR.

This letter is from the Hon. Richard Parker, formerly member of Congress from tenth congressional district of Virginia, and at this time a judge of the circuit court of this State.

CH. JAS. FAULKNER.

HALLTOWN, *March* 10, 1853.

SIR: I have been called on for a letter of recommendation in favor of Adam Rhulman, who desires the appointment of master armorer at Harper's Ferry, and I take great pleasure in giving one. He is a gentleman of high standing, and well qualified to discharge the duties of the office, and I am satisfied his appointment will give general satisfaction, especially with the democratic party, to which he belongs. He has been inspector of finished arms for many years, and has great experience. I know no man better suited for the post in every respect.

Very respectfully yours,

WM. LUCAS.

Hon. JEFFERSON DAVIS, *Secretary of War.*

This letter is from the Hon. William Lucas, formerly member of the House of Representatives from the tenth congressional district of Virginia, and at this time an eminent member of the bar of this State.

CH. JAS. FAULKNER.

HOUSE OF DELEGATES,
Richmond, March 11, 1853.

With the greatest deference, permit me to say that I am credibly informed that Mr. Adam Rhulman, of Harper's Ferry, Virginia, is, or will be, an applicant for the station of master-armorer of the national armory at that place.

I have favorably known Mr. Rhulman for more than twenty years, and for the greater portion of the time whilst I was master-armorer of that establishment; and he is not only practically, but well acquainted with the manufacture of arms, having for sixteen years or more acted as one of the principal and most important inspectors with credit to himself and benefit to the government. He is, moreover, a gentleman of unquestionable integrity, sobriety, and industry; is also a man of quick apprehension, of a strong sound mind, tempered with prudence and moderation, and in view of his acquirements, great experience and moral worth, combined with sound democratic principles, it can truthfully be said, in the strictest sense of the term, that he is both capable, honest, and deserving; and as such I have taken the liberty, with the pleasure, of recommending Mr. Adam Rhulman to the favorable consideration of our democratic and highly-esteemed President of this great republic.

With great respect,

BENJAMIN MOORE.

His Excellency FRANKLIN PIERCE,
President of the United States.

This letter is from Col. Benjamin Moore, for many years himself the master-armorer at Harper's Ferry—unsurpassed by any man in this State in his qualifications to express an opinion upon the subject of his letter, and at this time a delegate from the county of Jefferson to the general assembly of Virginia.

CH. JAS. FAULKNER.

SIR: The undersigned, members of the Virginia legislature, would respectfully ask that you will appoint Mr. Adam Rhulman, who has been for a long time an inspector at the national armory at Harper's Ferry, master-armorer of said armory. Mr. Rhulman is not only fully qualified for the post he seeks, but he is a gentleman very deserving and of the highest moral character. It will give his numerous democratic friends great pleasure to hear of his appointment to the post of master-armorer of the armory at Harper's Ferry.

Jno. Thos. Gibson,	J. Goode, jr.,
Jas. M. Newkirk,	John W. Luke,
B. F. Garrett,	James B. Kee,
Wm. B. Taliaferro,	M. S. Grantham,
R. F. Dillard,	T. Portlock,
B. W. Jackson,	S. Wheeler,
H. B. Tomlin,	Wm. B. Sharras,
Wm. M. Hunston,	Wm. H. Browne,
John C. Rutherford,	Z. Kidwell, jr.,
C. Vance,	L. A. Miller,
John Tensley,	Charles F. Collier,
David West,	H. A. Greever,
A. H. Saunders,	Hiram Martz,
John Scott,	Naason Bare,
Ulysses N. Arnult,	Wm. G. Stevens,
R. J. Huse,	Jos. K. Pendleton,
Chastain White,	Alexander Jones,
Elan D. Talcott,	Andrew Keyser,
Edmund James,	John A. Jordan,
J. S. Davison,	William King,
John H. Morrison,	Thomas Wallace,

George H. McClure.

The PRESIDENT *of the United States.*

JEFFERSON COUNTY, VA., *March* 22, 1853.

DEAR SIR: Among the appointments pertaining to your office is one of interest to our people, and of high consideration as connected with the efficient management and proper discipline and arrangement of our national armories. We allude to the office of master-armorer at the Harper's Ferry armory, and most respectfully recommend to your early and favorable consideration Mr. Adam Rhulman. He is a gentleman of the most unexceptionable character, strict integrity, and great personal worth. As an intelligent, industrious, and practical mechanic,

he has been inspector of finished arms in the Harper's Ferry armory for many years; and has discharged his duty so fairly and impartially as to have elicited the approbation and esteem of the armorers, whilst he has greatly enhanced the interests of the government, and encouraged, by his urbanity of temper and suavity of manner, a faithful execution of its work.

Should it be the pleasure of the Executive department to confer upon Mr. Rhulman the appointment of master-armorer, we are sure it will be an appointment calculated to promote the best interests of the armory, whilst it will be greeted with most cordial satisfaction by those employed therein, as well as the community at large, of whom your petitioners are but a moiety, who know and justly appreciate his sterling worth and generous impulses.

Most respectfully, &c.,

Robert Lucas, jr.,
John G. Wilson,
William J. Stephens,
H. L. Opie,
Robert W. Baylor,
G. D. Moore,
James W. Beller,
Francis W. Deem,
James Grantham,
John Moore,
Thomas Rawlins,
Geo. B. Beall,
W. J. Hawks.

To the PRESIDENT *of the United States.*

I have no personal acquaintance with Mr. Rhulman, but have no doubt, from the names attached and their high standing, that he is all as represented.

BRAXTON DAVENPORT.

I am acquainted with all the persons whose names are hereunto annexed; and I can certify that they are all gentlemen of the highest character and respectability, and that any paper coming from them is entitled to the most favorable consideration.

CH. JAS. FAULKNER.

LEESBURG, *July* 14, 1853.

SIR: I take the liberty of recommending to you, in the most earnest manner, my acquaintance and friend, Mr. Adam Rhulman, of Harper's Ferry. I have known Mr. Rhulman for twenty years at least, having appointed him inspector of finished arms when I was superintendent of the armory. This office he has held ever since, and has performed all its duties in the most faithful and creditable manner. He is a very intelligent gentleman, and his well-known integrity and popular manners have rendered him a very great favorite among the citizens of Harper's Ferry.

I recommend him for the appointment of master-armorer at that

place; and I do so very confidently, because I know that his appointment would gratify the citizens of Harper's Ferry, and secure to the government a most efficient and valuable officer.

I have the honor to be, yours, &c.,

GEORGE RUST.

To the PRESIDENT.

RIPPON, JEFFERSON COUNTY, VA,
March 22, 1853.

DEAR SIR: Having been informed that Mr. Adam Rhulman, the chief inspector of the Harper's Ferry armory, intends to make application for the office of master-armorer of the said armory, I take pleasure in recommending him to your favorable consideration. Having served in the capacity of an inspector at the said armory for fifteen years with Mr. Rhulman, and frequently under his immediate supervision as acting master-armorer, I have no hesitation in saying that there is none more efficient and worthy of the office to which he aspires; and if it should be your pleasure to favor his application, you will not only confer a favor upon Mr. Rhulman, but also upon a large and respectable class of mechanics employed at the said armory.

Your obedient servant,

ASAPH WILSON.

Hon. JEFFERSON DAVIS,
Secretary of War.

GEORGETOWN, D. C., *July* 28, 1851.

DEAR SIR: I have understood, just on the eve of my departure from this place, that very probably Major Symington would be ordered from Harper's Ferry armory to some other station. If so, and you think the request I am about to make not incompatible with the public interest at this time, or that a compliance with it would not be unpleasant, I should like to be reinstated in the inspection department, from which I was dismissed. My main reason for desiring to be reinstated is, that I may be enabled thereby to more effectually assist my father in his difficulties, whose circumstances are quite limited indeed. Colonel Craig may believe me when I assert, that I have been prompted by no other object in making this request than the one referred to above.

If the chief of ordnance can with propriety reinstate me, and will do so, I pledge myself to discharge the duties of the situation (as I have ever endeavored to do) with renewed zeal, and a faithfulness and fidelity to the very best of my ability.

Should you do me the favor of replying to this note, please direct to me at *Circleville, Loudon county, Virginia.*

With the highest respect, your obedient servant,

WM. H. MOORE.

Colonel H. K. CRAIG,
Chief of Ordnance, Washington city, D. C.

MARTINSBURG, *April* 16, 1853.

SIR: I herewith enclose to you certain letters and papers recommending the appointment of Adam Rhulman as master-armorer at Harper's Ferry; and in these recommendations, without repeating their substance, I most cordially concur.

The office of master-armorer is now *vacant* at the national armory at Harper's Ferry. This office, as I understand it, although distinctly recognised by law and the power of appointment vested in the President, is not filled *eo nomine;* but a new office of *acting master-armorer* has been substituted in its place, and the power of appointment exercised by the ordnance officer in command of that post. The salary and duties of the two are the same, and I cannot comprehend why the distinction between "master-armorer" and "acting master-armorer" should exist in the practice of our national armories, unless it be to change the source of appointment; master-armorer being an officer recognised by law and the power of appointment vested in the President—acting master-armorer being an officer unknown to the law, and deriving his appointment from the superintendent.

If I am in error in any of those facts, Colonel Craig, of the Ordnance department, can readily correct me; and they are not very material to the point which I seek to attain if the same result can be otherwise reached.

The best-informed men about the national armory and of the neighborhood are desirous of seeing Mr. Burton, the present "acting master-armorer," removed, and Mr. Rhulman substituted to the performance of those duties; and whether he reaches that situation as "master-armorer" or as "acting master-armorer," is perhaps not very material; although undoubtedly the true course would be to pursue the law, and have the appointment made as Congress has prescribed.

Major Symington, an ordnance officer in command of that post, a few years ago caused the removal of Colonel Moore, one of the most accomplished officers that any government ever had in its employment, and appointed Mr. Burton to the post he now occupies.

Mr. Burton has not, so far as I am informed, any very superior qualifications for the place. His deportment is represented as highly offensive to the armorers, and unnecessarily so. It has produced much of the dissatisfaction which prevails there against the existing system.

Mr. Rhulman, in his experience, skill, temper, knowledge, and judgment, possesses every qualification for the place.

It is the earnest desire of the great mass of those employed in the national armory, of many of the best citizens of the town and neighborhood, that this change be made, and be made as promptly as your convenience will permit.

The accompanying papers are sufficient to satisfy any man that in the selection of Mr. Rhulman the interest of the government will be most carefully guarded.

Yours, truly,

CHAS. JAS. FAULKNER.

Hon. JEFFERSON DAVIS,
Secretary of War.

To his Excellency FRANKLIN PIERCE,
President of the United States:

SIR: The post of master-armorer at our national armories is an office in contemplation of late, of responsibility and trust only inferior, in its influence upon the prosperity of those institutions, to the office of superintendent. He was designed to hold his place independent of the will of the superintendent, and, in some respects, to be a check upon that officer. Accordingly, the act of 1794—which, in that respect, has never been altered or repealed—expressly vests the appointment of a master-armorer *in the President of the United States.* It is *his* duty to make that appointment; upon *him* is devolved the responsibility of a just and proper selection.

The practice conformed to the theory of the law until some four years ago, when Benjamin Moore, the master-armorer at Harper's Ferry, a democrat, was removed, and, as his friends allege, without any just cause; but that is not material to my present purpose. Since that day no master-armorer has been appointed by the President, and no one has held the office *eo nomine* at Harper's Ferry; but in lieu of an appointment according to law, a new officer, called the "acting master-armorer," deriving his existence from the will and pleasure of the superintendent or Ordnance department, has been created. Whether this expedient has been resorted to to deprive the President of the United States of his just power of appointment, it is not for me to say. I simply note the fact that the law has not been complied with—that the President has in fact been deprived of his proper patronage, and that a new officer, unknown to the law, has been substituted in his place.

The individual who has for the last several years held this unauthorized appointment at Harper's Ferry is Mr. Burton—a man, as I am informed, not distinguished for any peculiar fitness for the place, offensive in his deportment to the mechanics, a rabid whig, and a most unscrupulous partisan.

To show you the reckless character of the man, I beg leave to refer you to the evidence taken under the authority of the Secretary of War, by Major McCall, of the army, in the month of June or July last, and upon which evidence the Secretary of War has endorsed the following conclusive judgment against him:

"The perusal of the within testimony satisfies me that the extract from the letter of Mr. Faulkner to the War Department was exhibited by acting master-armorer Burton to influence the pending congressional election. His conduct presents itself to me in the worst phase of the political partisan."

"JEFFN. DAVIS,
"*Secretary of War.*

"WAR DEPARTMENT, *August* 16, 1853."

I could assign some other very satisfactory reasons why Mr. Burton should be removed from his present post, but I deem it unnecessary. I take it for granted that no man who has abused his office, as it is officially ascertained that he has done in this case to the injury of your

friends, will, by *your* consent, be permitted longer to hold an office which he has polluted by his acts.

But in the simple removal of Burton you will not have done full justice. That justice cannot be complete without the appointment of Adam Rhulman, of Harper's Ferry, as master-armorer.

I will proceed to state my reasons: that Mr. Rhulman possesses every qualification for the office of master-armorer in a most eminent degree, is conclusively shown by testimony now on file in the Department of War. His general intelligence; his long and ample experience in the national armory; the ability with which he has discharged the duties of master-armorer when they have been temporarily devolved upon him; the universal respect entertained for his character and skill as a mechanic, will be conceded.

Now, sir, this man Adam Rhulman, knowing as he did that the office of master-armorer at Harper's Ferry was in fact *vacant;* that the *quasi* appointment was held by a man unworthy of the office, a rabid partisan whig, who did not scruple to bring the influence of his office to bear against the democratic party, was guilty of the unpardonable sin of yielding to the urgency of his friends, and of submitting his name to *you*, through the Secretary of War, for the office of master-armorer—an office exclusively in your gift, and over which *you* alone could exercise the power of appointment. For this act, as I am informed, (and it came to me in a shape to demand inquiry at least—he and his friends challenge the assignment of any other cause;) for this act, it is alleged that he has been dismissed from the national armory, and the department defrauded of one of its ablest and most skilful mechanics.

Now, sir, if this be so; if one of your political friends cannot, under such circumstances, present his name to *you* for an appointment vested by law in *you;* if for this he is to be proscribed and punished, removed from an employment where he has labored for the last thirty years of his life, and where he has established a character of which any man might be proud, then indeed we have fallen upon evil times. The subject is entitled to an inquiry at your hands and that of the Secretary of War.

Sir, I need not enlarge upon this subject further.

The office of master-armorer at Harper's Ferry is vacant. The law devolves the appointment upon *you*. The present illegal and unauthorized *quasi* appointee has been officially declared, by the Secretary of War, unworthy of the post; and I respectfully submit the name of Adam Rhulman as one in all respects fully qualified, and I refer to his testimonials on file in the War Department.

I am, very truly, yours,

CHS. JAS. FAULKNER.

DEPARTMENT OF THE INTERIOR,
Washington, August 3, 1854.

SIR: I have the honor to acknowledge the receipt, this morning, of your letter of yesterday, enclosing a copy of a resolution of the House of Representatives, and requesting me to furnish you any information

in possession of this department of the description which the said resolution requires you to communicate.

The extension of the United States Capitol is the only civil public work the subject of inquiry by the select committee of the House of Representatives with which this department has any connexion.

By an order of the President, issued about the 1st of April, 1853, the charge and supervision of that work was transferred to your department. Previous to such transfer it had been under the immediate supervision of the Commissioner, an officer of this department, and who acted in the capacity of disbursing agent.

I am not aware that either of the members of the select committee of the House presented any application to this department, in behalf of themselves or others, for any office connected with the Capitol extension, except the Hon. Richard H. Stanton, of Kentucky, a copy of whose letter I send herewith.

I am, sir, with much respect, your obedient servant,

R. McCLELLAND,
Secretary.

Hon. JEFFERSON DAVIS,
Secretary of War.

WASHINGTON CITY, D. C., *March* 21, 1853.

SIR: Many of the citizens of Washington, and others, have importuned me to make application for the position of Commissioner of Public Buildings and Grounds, believing that there would be a fitness and propriety in my appointment, from the fact that my previous pursuits have been such as to qualify me for the discharge of the duties of the office. If I can be useful to the government, and it is thought proper to confer the office upon me, I pledge my best efforts faithfully to perform all the service which may be required of me.

With the highest regard, your obedient servant,

R. H. STANTON.

Hon. SECRETARY OF THE INTERIOR.

WASHINGTON, *February* 1, 1854.

SIR: Should you decide to make a change in the system of superintendence at the national armories, we beg leave to recommend Philos B. Tyler, Esq., of Springfield, Massachusetts, for superintendent of the armory at that place.

Mr. Tyler is a gentleman of the highest respectability, a skilful and scientific mechanic, and in every respect eminently qualified for that station.

Unwavering in our confidence and esteem, we remain yours, in truth and friendship,

HENRY D. SMITH,
JNO. H. STEELE.

To the PRESIDENT *of the United States.*

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